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JOURNAL
OF THE
HOUSE OF REPRESENTATIVES
OF THE
STATE OF INDIANA,
BEING THE
TWENTY-SECOND SESSION
OF THE
GENERAL ASSEMBLY;
COMMENCED AT INDIANAPOLIS,
ON MONDAY, THE FIFTH DAY OF DECEMBER, 1837.

INDIANAPOLIS:
BOLTON AND LIVINGSTON:
1837.

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INDIANA STATE LIBRARY

JOURNAL
OF THE
HOUSE OF REPRESENTATIVES

AT THE TWENTY-SECOND SESSION

OF THE
GENERAL ASSEMBLY OF THE STATE OF INDIANA,

Begun and held at the Capitol, in the Town of Indianapolis, on Monday the fifth day of December, in the year of our Lord one thousand eight hundred and thirty-seven, being the day appointed by Law for the meeting of the General Assembly.

The following members of the House of Representatives appeared and took their seats, to wit:

From the county of Dearborn—George Arnold, Abram Ferris, Enoch W. Jackson, and Alexander E. Glenn.

From the county of Wayne—Richard J. Hubbard, Nathan Smith, Joseph C. Hawkins and Achilles Williams.

From the county of Rush—Benjamin F. Reeve, Benjamin Boon and Ward W. Williams.

From the county of Park—Jephtha Garrigus and William T. Noel.

From the county of Fountain—Thomas J. Evans, and James P. Carleton.

From the county of Tipton—Samuel A. Huff, and Thomas Watson.

From the county of Henry—David Macy, and Miles Murphy.

From the county of Fayette—Marks Crume, and Wilson Thompson.

From the county of Union—William H. Bennett, and James Leviston.

From the county of Marion—Robert Hanna and Alexander F. Morrison.

From the county of Shelby—William J. Peasley and Joseph B. Nickel.

From the county of Harrison—George P. R. Wilson, and John Zenor.

From the county of Lawrence—Vinson Williams and Melchert Helmer.
From the county of Franklin—Rufus Haymond, and Redin Osborn.
From the county of Jefferson—Milton Stapp, and Joseph G. Marshall.
From the county of Washington—Henry Monroe, and Samuel Huston.
From the county of Clark—Benjamin Ferguson, Thomas J. Henley and Henry Hurst.

From the county of Vermillion—Lewis Burns and John Peter.
From the county of Bartholomew, and part of Brown—Thomas G. Lee, and Zachariah Tannehill.

From the county of Owen—Bazil Chamber.
From the county of Greene—Drury Boyd.
From the county of Clay—Samuel Howe Smyth.
From the county of Warren and part of Jasper—James Gregory.
From the county of Clinton—Andrew Major.
From the county of Carroll—Samuel Milroy.
From the county of Monroe and part of Brown—William Berry.
From the county of Johnson—Benjamin S. Noble.
From the county of Morgan—John Sims.
From the county of Hendricks—William T. Matlock.
From the county of Hancock—Thomas D. Walpole.
From the county of Boone—Joseph E. Hocker.
From the county of Madison—Henry Wyman.
From the county of Hamilton—Jacob Robbins.
From the county of Allen—Lewis G. Thompson.
From the county of Elkhart—Ebenezer M. Chamberlain.
From the county of Laporte—Charles McClure.
From the county of Decatur—James Blair.
From the county of Ripley—Hezekiah Shook.
From the county of Switzerland—James M. Cotton.
From the county of Orange—Joel Vandever.
From the county of Posey—Robert Dale Owen.
From the county of Vanderburg—William T. J. Jones.
From the county of Warrick—Christopher C. Graham.
From the county of Gibson—Smith Miller.
From the county of Cass—Job B. Eldredge.
From the county of Floyd—Shepherd Whitman.
From the county of Jackson—John F. Carr.
From the county of Scott—John E. Roc.
From the county of Jennings—Ezra F. Pabody.
From the county of Knox—Samuel Judah and Jonathan P. Cox.
From the counties of Daviess and Martin—Abner Davis.
From the county of Vigo—Thomas Dowling and William Wines.
From the county of Sullivan—Samuel Brown and William R. Had-
 den.
From the county of Putnam—John W. Cunningham and James Gad-
 des.
From the county of Montgomery—Henry Ristine, Henry S. Lane and
 John Bryce.
From the counties of Dubois and Crawford—Aaron B. McCrilles.
From the county of Perry—Robert G. Cotton.

From the county of Spencer—Mason J. Howell.

From the county of Pike—George H. Proffit.

From the counties of Huntington, Wells, Jay and Adams—William Vance.

From the counties of Grant and Wabash—Josiah L. Wines.

From the counties of Logrange, Steuben, DeKalb and Noble.—David L. Herriman.

From the counties of Marshall, Kosciusko and Stark—Aaron M. Perine.

From the counties of Porter and Newton—Jeremiah Hamel.

From the counties of White, Jasper and Pulaski—William M. Kenton.

From the counties of Miami and Fulton—William N. Hood.

From the county of St. Joseph—John A. Henricks.

The House then proceeded to the election of a Speaker—Messrs. Berry and Haymond acting as tellers, and on counting the first ballot it appeared that

Thomas J. Evans received	43 votes
George H. Proffit “	22 “
Samuel Judah “	17 “
Scattering “	16 “

No person having a majority of all the votes given, the House proceeded to a second balloting, when it appeared that

Thomas J. Evans received	57 votes
Samuel Judah “	18 “
Scattering “	23 “

Thomas J. Evans having received a majority of all the votes given, was declared duly elected Speaker of the House of Representatives during the present session, and was conducted to the Chair by Messrs. Vandever and Dowling, whence he made his acknowledgements to the House.

On motion of Mr. Howell,

The House proceeded to the election of principal clerk—Messrs. Graham and Vandever acting as tellers; when on counting the first ballot it appeared that

Jehu T. Elliott received	90 votes
Scattering “	7 “

Jehu T. Elliott having received a majority of all the votes given, was declared duly elected; was sworn into office by the Honorable Isaac Blackford, and entered upon the discharge of his duties.

On motion of Mr. Miller,

The House then proceeded to the election of an Assistant Clerk—Messrs. Miller and Bennett acting as tellers, and on counting the first ballott it appeared that

William G. Armstrong received	72 votes
Lucius H. Emmons “	16 “
George B. Tingley “	9 “
Scattering “	1 “

William G. Armstrong, having received a majority of all the votes given,

was declared duly elected; was sworn into office by the Honorable Isaac Blackford, and entered upon the discharge of his duties.

On motion of Mr. Macey,

The House proceeded to the election of an Enrolling Clerk—Messrs. Berry and Howell acting as tellers, and upon taking the first ballot

H. M. Woodyard received	17 votes
Oliver Brown “	35 “
Hervey Brown “	16 “
Edwin Winship “	20 “
A. H. Davidson “	6 “
Scattering “	3 “

No person having a majority of the votes given, the House proceeded to a second balloting when it appeared that

H. M. Woodyard received	16 votes
Oliver Brown “	35 “
Hervey Brown “	15 “
Edwin Winship “	29 “
Scattering “	2 “

No person having received a majority of the votes given,

On motion of Mr. Dowling,

The House adjourned until 2 o'clock P. M.

2 o'clock P. M.

The House met, and proceeded to a third balloting for Enrolling Clerk.

When it appeared that

H. M. Woodyard received	6 votes
Oliver Brown “	38 “
Edwin Winship “	48 “
Scattering “	3 “

Edwin Winship having a majority of all the votes given, was declared duly elected Enrolling Clerk, was sworn into office by the Hon. Isaac Blackford, and entered upon the discharge of his duties.

On motion of Mr. Reeve,

The House proceeded to the election of Door-Keeper—Messrs. Wines of Vigo and Macey acting as tellers, and upon taking the first ballot

James Fislar received	67 votes
Peter Winchel “	28 “

James Fislar having received a majority of all the votes given, was declared duly elected; sworn into office and entered upon the discharge of his duties.

The following message was received from the Senate by Mr. Test, their Principal Secretary.

MR. SPEAKER—

I am instructed by the Senate to inform the House of Representatives, that the Senate have convened, formed a quorum, elected Charles H. Test, Principal Secretary; William H. Martin, Assistant Secretary; V. C. Hanna, Enrolling Secretary; George W. Moore, Sergeant-at-Arms; and James Hart, Door-Keeper, and they are ready to proceed to legislative business.

On motion of Mr. Cunningham,
The House proceeded to the election of Sergeant-at-Arms—Messrs.
Walpole and Burns acting as tellers.

On the first ballot,

Bazil Brown received	24 votes
Charles Campbell “	12 “
Robert A. Chandler “	8 “
John M. Wilson “	11 “
Isaac Cox “	14 “
Aquilla Rodgers “	26 “
William Price “	7 “
Scattering “	1 “

No person having received a majority of all the votes given, the House proceeded to a second balloting, when it appeared that

Bazil Brown received	31 votes
Charles Campbell “	8 “
Robert A. Chandler “	1 “
John M. Wilson “	4 “
Isaac Cox “	19 “
Aquilla Rodgers “	29 “
William Price “	3 “
Scattering “	2 “

No person having received a majority of all the votes given, the House proceeded to a fourth balloting, when it appeared that

Bazil Brown received	33 votes
Robert A. Chandler “	1 “
John M. Wilson “	2 “
Isaac Cox “	13 “
Aquilla Rodgers “	44 “
Scattering “	3 “

No person having received a majority of all the votes given, the House proceeded to a fourth balloting, when it appeared that

Bazil Brown received	33 votes
Aquilla Rodgers “	59 “
Scattering “	5 “

Aquilla Rodgers having received a majority of all the votes given, was declared duly elected; sworn into office by the Hon. Isaac Blackford, and entered upon the discharge of his office.

On motion of Mr. Vandever,

Resolved, That the Clerk of this House inform the Senate, that the House of Representatives have convened, formed a quorum, elected Thomas J. Evans, Speaker; Jehu T. Elliot Principal Clerk; William G. Armstrong, Assistant Clerk; Edwin Winship, Enrolling Clerk; Aquilla Rodgers, Sergeant-at-Arms, and James Fislar, Door-Keeper, and are now ready to proceed to legislative business.

On motion of Mr. Dowling,

Resolved, That a committee of one be appointed on the part of this House, to act with a similar one, to be appointed on the part of the Senate to wait on the Rev. Mr. Britton, and request him to attend in the

Representative Hall, to-morrow morning at 10 o'clock, to open the present session of the General Assembly, by prayer, and that the Senate be requested to reciprocate this resolution, and seats be provided for them at the right of the Speaker's Chair.

Mr. Dowling was appointed that committee on the part of the House of Representatives.

On motion of Mr. Bennett,

The House adjourned until to-morrow morning, 9 o'clock.

TUESDAY, DECEMBER 5, 1837.

The House met pursuant to adjournment.

On motion of Mr. Hubbard,

Resolved, That a committee of two on the part of this House be appointed, to act with a similar committee on the part of the Senate, to wait on his Excellency the Governor, and inform him, that the two Houses of the General Assembly have convened; elected their officers and are ready to receive any communication he may be pleased to make to them; and to ascertain of him at what time he will make such communication.

Ordered, That Messrs. Hubbard and McClure be that committee on the part of the House, and that the Senate be informed thereof.

Mr. Shook moved

The adoption of the following resolution:

Resolved, That the printers of the State be authorized to print one hundred and fifty copies of the Rules and Joint Rules of the last session for the use of the members of the present session, which,

On motion of Mr. Stapp,

Was laid on the table.

On motion of Mr. Dowling,

Resolved, That Messrs. Douglass and Noel, of the Indiana Journal; Bolton and Livingston, of the Indiana Democrat; John W. Osborn, of the Indiana Farmer, and such other Editors as may desire that privilege, be permitted to occupy seats within the bar of this House as Reporters of the proceedings thereof.

Mr. Vandever moved

The adoption of the following resolution:

Resolved, That the Sergeant-at-Arms be instructed to contract with the Editors of the Indiana Journal, Democrat and Farmer, for five of their respective papers each as published, to be delivered at the desks in the Hall of the House of Representatives, for the use of each of the members and officers thereof, during the present session.

Mr. Glenn moved

To amend said resolution by striking therefrom the word "five" and inserting in lieu thereof "nine;"

Which motion was decided in the negative.

Mr. Stapp moved,

To lay said resolution on the the table; and the Ayes and Noes being requested thereon by Messrs. Vandever and Berry,

Those who voted in the affirmative are,

Messrs. Arnold, Bennet, Blair, Boyd, Carleton, Carr, Cox, Crume, Cunningham, Dowling, Ferris, Gaddis, Garrigus, Gregory, Hawkins, Henley, Hurst, Jackson, Lee, Leviston, Matlock, Miller, Milroy, Noble, Noel, Pabody, Robbins, Shook, Sims, Stapp, Tannehill, Thompson of Fayette, Walpole, Williams of Rush, and Wines of Vigo.—35.

Those who voted in the negative are,

Messrs. Berry, Boon, Bryce, Brown, Chamberlain, Champer, Cotton of Perry, Cotton of Switz., Davis, Eldridge, Ferguson, Glenn, Graham, Haddon, Hamel, Hannah, Herriman, Hammond, Helmer, Henricks, Hocker, Hood, Howell, Hubbard, Huff, Huston, Kenton, Lane, Major, McClure, McCrillis, Monroe, Morrison, Murphy, Nickel, Osborn, Owen, Peasley, Perrine, Porter, Reeve, Ristine, Roe, Smith of W., Smydth of Clay, Thompson of Allen, Vance, Vandever, Watson, Whitman, Williams of L., Williams of Wayne, Wilson, Wines of G. and W., Wyman, Zenor and Mr. Speaker.—57.

So said resolution was not laid on the table, and the question then recurring on the adoption of said resolution, and the Ayes and Noes being requested thereon by Messrs. Crume and Vandever.

Those who voted in the affirmative are,

Messrs. Berry, Boon, Bryce, Brown, Chamberlin, Champer, Cotton of Perry, Cotton of Switzerland, Cox, Davis, Dowling, Eldridge, Ferguson, Glenn, Graham, Haddon, Hamel, Hanna, Herriman, Haymond, Helmer, Henricks, Hocker, Hood, Howell, Hubbard, Huff, Hurst, Kenton, Lane, Lee, McClure, McCrillis, Monroe, Morrison, Murphey, Nickel, Osborn, Owen, Peasley, Perine, Porter, Reeve, Ristine, Smith of Wayne, Smydth of Clay, Thompson of Allen, Vance, Vandever, Walpole, Watson, Whitman, Williams of Lawrence, Williams of Rush, Williams of Wayne, Wilson, Wines of G. and W., Wines of V., Wyman, Zenor, and Mr. Speaker.—61.

Those who voted in the negative are,

Messrs. Arnold, Bennett, Blair, Boyd, Carr, Crume, Cunningham, Ferris, Gaddis, Garrigus, Gregory, Hawkins, Hanley, Huston, Jackson, Leviston, Matlock, Miller, Milroy, Noble, Noel, Pabody, Robbins, Roe, Shook, Sims, Stapp, and Tannehill.—28.

Mr. Dowling made the following report,

MR. SPEAKER:

The Committee appointed by this House to wait on the Rev. Mr. Britton, in conjunction with a similar one, to be appointed on the part of the Senate, have performed that duty; and now respectfully report, that, that gentleman will attend this morning at 10 o'clock, in compliance with the invitation of both houses of the General Assembly.

On motion of Mr. Milroy,

Resolved, That the Speaker of this House be requested to cause a seat to be provided within the bar of this House; and that the Hon. John McLean, one of the Judges of the Supreme Court of the United States, now at Indianapolis be invited to occupy the same at any time that may suit his convenience during his continuance at the seat of Government.

The Speaker, laid before the House a statement from the Board of Directors of the State Bank of Indiana, showing the condition of that institution.

On motion of Mr. Miller,

Resolved, That the rules and joint rules adopted at the last session of the General Assembly, by the House of Representatives, for their government, be adopted for the government of this House during its present session.

The following message was received from the Senate by Mr. Test, their principal Secretary:

MR. SPEAKER:

I am instructed by the Senate to inform the House of Representatives, that the joint rules which were in force for the government of the last General Assembly, be adopted by the Senate as the rules of the joint action for the present session.

The Senate have reciprocated the resolution of the House of Representatives appointing a committee on the part of the House to wait on the Rev. Mr. Britton, and request him to attend in the Representative Hall at 10 o'clock this morning, to open the present session of the General Assembly by prayer, and the Senate have appointed Mr. Sigler that committee on their part.

The Senate then came into the Hall and took their seats on the right of the Speaker's Chair; the President of the Senate on the right of the Speaker, when

The Rev. Mr. Britton came in, attended by the joint committee appointed for that purpose, and addressed the Throne of Grace with solemn prayer when

The Senate returned to their chamber.

The following message was received from the Senate by Mr. Test, their principal Secretary:

MR. SPEAKER:

I am instructed by the Senate to inform the House of Representatives that they have reciprocated the resolution of the House appointing a committee to act with a similar committee on the part of the Senate, to wait on his Excellency the Governor, and inform him that the two Houses of the General Assembly have convened, elected their officers, and are ready to receive any communication he may be pleased to make to them, and to ascertain of him at what time he will make such communication.

And Messrs. Dunning and Cole are appointed that committee on the part of the Senate.

On motion of Mr. Shock,

The resolution offered by him to authorize the printing of one hundred and fifty copies of the rules and joint rules of the last session, for the use of the members of this House, was taken from the table; and adopted.

Mr. Lane offered the following resolution—

Resolved, That this House will, the Senate concurring therein, proceed to the election of President of, and Prosecuting attorney for, the first Judicial Circuit of the State of Indiana, on Friday next, at the hour of 2 o'clock, P. M., which was

On motion of Mr. Stapp,

Laid on the Table.

Mr. Hubbard made the following report:

MR. SPEAKER:

The joint committee of the Senate and House of Representatives appointed to wait on his Excellency the Governor, and inform him of the organization of both Houses of the General Assembly, have discharged the duty assigned them; and have received from him information, that he will meet both Houses in the Hall of the House of Representatives at 2 o'clock this day; and make his annual communication, by his private Secretary.

On motion of Mr. Macy the House adjourned.

2 o'clock, P. M.

The House met pursuant to adjournment.

Mr. Bryce presented the petition of sundry citizens of Montgomery county, praying the establishment of a state road, which was read.

And on motion of Mr. Bryce,

Referred to a select committee of Messrs. Bryce, Lane, and Ristine.

Mr. Chamberlin presented the petition of sundry citizens of Elkhart county, praying the establishment of a state road through Goshen and Bristol to the state line, which was,

On motion of Mr. Chamberlain,

Referred to a select committee of Messrs. Chamberlin, Henrick, and Perrine.

On motion of Mr. Hubbard,

Resolved, That the Senate be invited to attend in the Representative Hall *instantly*, for the purpose of hearing the message of his Excellency the Governor, and seats be provided for them on the right of the Speaker's Chair.

The Senate then came into the Hall and took their seats on the right of the Speaker's chair. The president of the senate on the right of the speaker.

His Excellency the Governor, then came in, attended by the joint committee appointed for that purpose, and in presence of both Houses delivered the following message by Mr. Otto, his private Secretary.

GENTLEMEN OF THE SENATE, AND
OF THE HOUSE OF REPRESENTATIVES:

With the return of the period of our annual meeting to confer on matters of public interest, we find ourselves under renewed and increased obligations to our Creator for the unusual measure of health we have enjoyed throughout the seasons of the year now at its close. Whilst we render our grateful acknowledgments for this exemption from his chastening hand, our indebtedness is increased by the special dispensations of his favor in the profusion of our harvests. Though it is with some abatement, the usual indications of the prosperity of our citizens may be observed in the compensation received for the products of the soil; in the reward given for labor, and in the returns realized from all our enterprize and active pursuits; and when we compare our condition with that of the less favored portions of the Union, we have reason to be content with our individual lots, and to congratulate ourselves upon the evident prosperity of the State.

Although the returns of the assessments to the Auditor's Office are incomplete, the amount of the taxable property for this year may be estimated at ninety-eight millions of dollars, being about twenty millions more than the aggregate assessments of the previous year. The revenue derivable from that sum at the rate established by law, will replenish the treasury, extinguish the remnant of unsatisfied claims upon it of the last, and meet the demands upon it the current year. The reports due from the Auditor and Treasurer will exhibit a detailed view of the receipts and expenditures of the current year.

I thought it my duty on a former occasion to direct the attention of the Legislature to the deficiencies in the quantity of land returned from many of the counties, compared with the returns of the preceding year, and to advise the application of the necessary remedy. Since that time they have been multiplying, and errors are so manifest in the last reports, as to show a deficit of from two to three hundred thousand acres. In looking for a cause of these imperfections, it is justly ascribable to the mode of assessment and to the appointment of unfaithful assessors, who perform their duty negligently, without having the tract book to direct them. The only effective remedy is to be found in the appointment of one assessor for each county, in requiring him to assess from the

tract book, and in the institution of a suit on his official bond for omissions of duty.

The operations upon the several lines of our public works have been as active and spirited as a prudent economy, with reference to the magnitude of the expenditures would allow.

The navigation of the Wabash and Erie Canal, during the past season, has been extended as far west as Peru. The line is now finished to Logansport, the water has been introduced, and the passage of boats is prevented only by the return of the winter season. With the opening of the spring, the canal may be navigated from that point to Fort Wayne, a distance of seventy six miles. Between Logansport and Lafayette, the advances of the work equal the expectations of the Commissioner. It is gratifying to be able say, that the State of Ohio has taken hold of her portion of the work in a manner that gives an assurance of her determination to finish it in the shortest possible time. The whole line within her territory has been placed under contract, and allowing the usual time for their completion, we are fully authorized to expect, that within two years from this time, canal boats may pass from the Lake to Lafayette, thus realizing the great object which has so long engaged the attention and solicitude of the State.

The work on the White Water Canal has been prosecuted with energy, and the contracts are so far advanced as to justify the belief, that the navigation from Brookville to Lawrenceburgh may be commenced by the beginning of the next autumn.

The contracts entered into at the lettings of the last year upon the canals at Terre-Haute, Evansville and Indianapolis, have been carried on with commendable activity, and the work at these points is such as to render it acceptable to the Commissioner and satisfactory to the public.

A corps of Engineers has been engaged the past spring and summer, in determining the probable location and cost of the canal to connect the Wabash line with lake Michigan. This route is understood to be very favorable for the construction of a canal. The examinations have been extended to the Illinois line, and sufficient information has been collected, when taken in connection with the surveys made by that State, to show that this work may readily and cheaply be extended, so as to intersect the Michigan and Illinois Canal. In that way each State would be benefited by the mutual transportation of a much larger amount of imports and exports than belongs to their respective territories.

The grading and bridging on the Madison and Lafayette Rail Road from Madison to Vernon, has been vigorously prosecuted. It is so far advanced as to create the expectation that the tract on this portion of the line may be laid down the ensuing summer, and that locomotive engines with their trains, may commence running, if thought expedient, by the next meeting of the Legislature.

The New Albany and Vincennes Road has also made favorable progress. The grading and bridging on forty one miles, commencing at the Ohio River, may be finished and prepared for the metal early in the ensuing spring. The preliminary examinations, with a view to its final location, have been made west of Paoli, the terminating point of the division now under construction.

Upon that portion of the New Albany and Crawfordsville Road, extending from the former place to Jeffersonville, the amount of work performed, is equal to that required by the Commissioner and Engineer, and the grading on this division is nearly completed. This part of the road has been graded on such a scale as to answer equally well for a Rail or McAdamized Road. It has been a source of regret and is deeply lamented by all who have been engaged in its interests, that the examining Engineers have so far differed in their views and opinions relative to the character of the work, as to prevent a satisfactory and final determination on the part of the Board. It is confidently believed, however, that the further information now sought, will warrant a decision at its present meeting, and when the character of the work is determined, no doubt such additional lettings will be made, as will compensate for the delay.

At the close of the last session an impression went abroad, creating the expectation that additional work would be placed under contract during the present year. The propriety of a compliance with the prevailing impression, its consequences and influence upon the cost of the work, were discussed at a special meeting of the Board. Their deliberations resulted in the postponement of further lettings, to a period when the State could avail herself of any beneficial change that might take place in the price of labor, provisions, and other items of expense that enter into the cost of construction.

I have thus given a condensed review of some of the leading operations on the lines of the public works. A minute and detailed report on the whole subject will be laid before you by the proper officers, in ample time for your deliberations. From that you will perceive, that they have discharged their duties with characteristic fidelity and zeal.

In the experience and events of the year, nothing has been witnessed of a character to discourage the progress, or the ultimate success, of the system. On the contrary, we see much to strengthen our convictions of the wisdom of the policy, and to inspire us with increased confidence in the ability of the state, with wise and provident legislation, to accomplish the whole undertaking. The expenditure of nearly one and a half million of dollars this year, in addition to previous appropriations, has saved us from the evils resulting from the prostration of prices and business in other portions of the country. Labor, with the fruits of the soil to support it, is more abundant, the credit of the state, and her acknowledged resources to sustain it, affords her an ample command of funds, and at home we have renewed assurances of the settled determination of the people to uphold it, without which no system of policy can long prevail.

At the date of the commencement of the enterprise, our state and its citizens were in the enjoyment of unprecedented prosperity. The then existing condition of things, was made the basis of our future calculations. Since then, external causes have cast a shade over the auspicious prospect, and taught us with an impressive force, the duty of so shaping our policy as to be prepared for every vicissitude that may befall us. Looking then, with a calm foresight to the future in reference to our policy and the financial condition of the state, we cannot but observe that a period will arrive

when the means of paying the interest on our increased expenditures, will unless derived in some degree from the incomes of the public works, multiply the public burthens. A foreign war or any disturbing cause, affecting the prosperity of nations and communities, may at such a crisis, by preventing the acquisition of additional loans, arrest the progress of our improvements. We should then be burthened with the interest on the invested capital, whilst the stationary and unproductive situation of the works would preclude our realizing any return from them. Sound policy would therefore dictate the expediency of so directing their prosecution as will have a tendency to render some of them soon available in the production of revenue. The great disparity in the length of the lines, in their relative cost, and the time requisite to finish them, indicate the evident impolicy of their simultaneous completion. The comparative shortness of some of them, and their forwardness would justify us in making increased appropriations with a view of finishing them as soon as practicable. This can and should be done without discontinuing expenditures elsewhere or disregarding expectations that may have been created, or violating that spirit of good faith and compromise which led to the adoption of the system. On finishing the works in question, we should then be able to give an exclusive application of all our effective means and force to the remainder. In addition to these manifest advantages, an adoption of the suggested opinion would commend itself to the sober judgment of the people, and establish on a firmer basis the policy to which the State is pledged. It would likewise tend to strengthen confidence in her resources, and thus give additional security and value to her stocks.

Whatever may be the policy resolved on, it should be pursued with a strict reference to the ability of the State and her citizens, to sustain it without embarrassing the one or imposing severe and inordinate burthens on the other. If we find it impracticable or inexpedient to accomplish the task we have assumed within the allotted period, let us give ourselves additional time. What we designed doing in one year we may do in two, and thus by dividing and lessening the burden of its cost we will in the end secure all the predicted benefits of the policy, without having recourse to oppressive taxation.

The compact proposed by this State to Illinois, in relation to the improvement of the navigation of the Wabash River, has been accepted by the reciprocal legislation of that State. Soon after the terms were adjusted, a joint commission was established by the designation of a member from the Board of Public Works of each State, who immediately entered upon the duties of their appointment. The principal obstructions being at the Grand Rapids, examinations and estimates were made for that point, and it is believed that a dam from ten to eleven feet in height at the foot of the Rapids, will render that difficult part of the stream subservient to Commerce. Contracts were entered into on the 22d of last month, for furnishing stone for the construction of a dam and lock.

I lay before you the joint resolution of the Legislature of Illinois transmitted by the Governor for your information.

The Commissioner of the Michigan Road has performed the service required by the act of the last session, in the selection he has made of

the remainder of the Michigan Road Lands. He has also performed the further duties enjoined by advertising and selling the tracts selected. The proceeds of the public sale and the private entries since made, amount to \$8,781 70 and have been disposed of as the law directs. His proceedings will be reported in proper time. Several causes conspired in preventing the survey of that part of the road north of the Seat of Government, until the summer months had elapsed. The duty was assigned to Mr. Adams, an engineer of acknowledged qualifications, whose report though late, will be in season for a correct understanding of the subject.

In the absence of the information to be obtained by the survey, I am in possession of no data by which to form an opinion as to the character of the improvements most desirable, to place the road in that state of repair which the necessities of the public and the policy of the State require. Passing as it does through a highly flourishing country, from one extremity of the State to another, and accommodating a greater amount of travel than any other, it possesses high claims, and I beg leave to earnestly urge them upon your consideration.

No further application has been made by the Lawrenceburgh Rail Road Company for the bonds of the State authorized to be issued by the Treasurer of State, nor will any be made until the \$221,000 already realized shall be expended by the Company.

I am informed by a communication from an officer of the Company, that the sensible change in the general prosperity of the country, has so much embarrassed the progress of the work, as to render its completion doubtful, within the time specified by the charter. They will submit a proposition to the Legislature, offering to expend \$100,000, inclusive of the work now done, to return the remaining \$121,000, and to surrender the charter to the State, on condition that she will undertake to complete the Road at some future period.

That work would furnish facilities to the trade of a densely populated and highly productive portion of the State, and one that contributed largely to the support of the public burthens. The proposition evinces a degree of liberality and public spirit highly creditable to the stockholders.

Of our dividend of the three per cent. derived from the sale of the Public Lands the present year, the sum of \$57,450 00 has been received by the Treasurer, and applied by him towards the various unsatisfied demands upon it. From the Report of that officer, you will perceive that the appropriations, from first to last of that fund, for the benefits of Roads, Rivers, and to the several counties, amount to \$574,148 50, and that the entire receipts, including the present year, amount to \$438,100. The incidental expenses of disbursing the whole fund, to the present time, amount to \$4,733 41, leaving \$140,781 91 to be obtained from future receipts to satisfy the excess of appropriations.

According to the report received from the Commissioner in charge of that branch of the public interests, the receipts at the Treasury from the Saline Lands amount to \$3,360 25. Although there is no present delinquency demanding your interposition, I avail myself of this occasion to call your attention to the imperfect state of the law, with regard to the

prosecution of the pleas of the State. I conceive it to be defective in two essential particulars—in not authorising the Executive officers, in cases of defaulting agents and debtors, to order the institution of the proper suit, and for that purpose, to hand over the bonds and records on file in their respective departments, to the prosecuting attorneys, and in not requiring of the latter, except in a few specified cases, the prosecution of other than the criminal pleas. In both respects, it would be expedient so to alter the law as to make it conform to those contingencies, to which the public interests are sometimes liable.

The Treasurer of State has received from the Secretary of the Treasury of the United States, the first three instalments of the Surplus Revenue, awarded to this State by the act of Congress of June, 1836, depositing the surplus with the States. Of the first two instalments amounting to \$573,502 96, the sum of \$567,126 16 has been handed over to the county agents on the scale of distribution prescribed by law. The balance of the two instalments, amounting to \$6,376 80, not being applied for by the agents agreeably to the terms of the Act of the Legislature, has been loaned by the Treasurer, at the rate of interest exacted for the College Fund. The third instalment of \$286,751 48 has been deposited with the Commissioner of the Sinking Fund as contemplated by law. The fourth instalment of \$286,751 48, due the first of October, has been withheld and postponed until January, 1839. The failure to pay it over according to the stipulation of the Act of Congress, will be injurious to the interests of the State. An investment of that instalment in the stock named by the law of the last session, would have yielded an interest of not less than \$25,000 per year, which was set apart by law towards the extinguishment of the interest on our Internal Improvement loans. It will, therefore, devolve upon you to make provision for a sum equal to the expected interest to supply the deficit.

The annual report of the officers of the State Bank, required by a provision of their charter, will fully exhibit the condition of that institution and its branches.

The disordered condition of the monied affairs of the country so sensibly felt in the east during the last spring, induced the banks of the city of New York in May last, to resort as a measure of precaution, to a temporary suspension of specie payments. That step was followed by a general and almost simultaneous suspension throughout the Union.

The intelligence arrived at the Seat of Government during the session of the State Board. After giving that anxious deliberation due to the magnitude of the interests involved, they determined to recommend an immediate suspension to the Branches. The latter were in a safe and prosperous condition, as shown by the exhibit of their resources and liabilities made at the time. They had, however, in their possession more than a million of dollars in notes and credits on the suspending banks. Under these circumstances a continued redemption of their paper amidst the universal suspension of neighboring banks, would have led, unavoidably, to an almost entire abstraction of the specie basis of our circulating medium. The fatal tendency of the latter would have been seen, not merely in crippling and prostrating the bank, but in the

severe and lasting injuries thereby resulting to the State. The members of the State Board, would therefore have been faithless to their trust, if they had neglected to adopt measures designed to prevent the capital which the State had furnished for the benefit of her citizens from being withdrawn to supply the vaults of foreign banks, the doors of which were closed against every similar demand we might make upon them.

The establishment of the State Bank of Indiana, was rather a matter of necessity than choice; and that necessity grew out of the discontinuance of the late National Bank. The late Chief Magistrate having determined to refuse to that institution a renewal of her charter, zealously recommended the State Banks as possessed of the ability to furnish a more sound and uniform currency. The local Banks instantaneously multiplied, and with the withdrawal of the paper of the Bank of the United States, it was evident that the notes of the local Banks would supply its place. We were therefore under the obligation to furnish our citizens with a substitute to place them on an equal footing with those of other States, and to avoid the necessity of supplying our deficient circulation by the paper of Banks of which we could know but little. With these facts and views before them, with the general consent of all parties, and the marked approbation of the people, the State Bank with its Branches was established by the Legislature. In order more effectually to identify it with the public interest and welfare, the State became the owner of half the stock, reserved to herself ample supervisory powers over it, and retained the right of selecting some of the more important of its officers.

To pay her half of the stock, and to furnish individuals with a part of the means of paying their subscriptions in specie, the State borrowed in all the sum of \$1,390,000. at five per cent. payable in from twenty to thirty years. She receives on this sum an average interest of nine per cent., leaving a clear annual profit of \$55,600, which is again loaned out at nine per cent. on the principle of compound interest. Long before the expiration of her charter, there will remain in the hands of the Commissioners of the Sinking Fund, after the extinction of the yearly interest on the Bank loan, a sum sufficient to pay off the entire principal, leaving the whole of the stock of the State as our profits. In accordance with a provision of the charter, this is to be used as a fund for the support of Free Schools. Our bank is therefore emphatically a State Institution, closely identified with the interests of the State and her citizens, and as long as she continues to discharge her legitimate duties with the fidelity and success so honorably characteristic of her past history, she will retain the undivided support and merited confidence of the people.

The necessity of sustaining the sound banking institutions of the States is apparent and generally admitted. The suspension of specie payments worked a forfeiture of the charters of the Banks in several of the States. The Legislatures on being convened to advise with regard to the subject have uniformly adopted protective enactments. In many states, as in our own, the Legislatures have not deemed it proper to annex the penalty of forfeiture to a suspension of payment. Our banks are made liable for twelve per cent. when they fail to redeem their notes, and may be withdrawn and wound up at the discretion of the State Board. The

wisdom of not exacting a forfeiture is now fully attested. It has enabled our Banks quietly and efficiently to discharge their accustomed duties, and to aid in warding off from our trading, agricultural and manufacturing interests, the threatened disasters of the crisis. If the State had reserved to herself the authority to resume the charter on such a contingency, and had with a rigid and inflexible regard to her rights exerted it, the step would have sapped the foundations of our credit, and inflicted a blow on our interests which would have required years of uninterrupted prosperity to repair.

On viewing the amount of interest the State possesses in the stock of the Bank, the nature of the objects its establishment was designed to subserve the beneficial influence it has exerted on every branch of enterprise, and the immense gain that will ultimately accrue to the people, you will find within the range of your duties, no subject more worthy of your attention. The safety of the Bank is found in the prudent management of her ample means, and secured by the personal responsibility of her directors and stockholders. Her charter derived from the State is not susceptible of alteration any more than a written contract between two individuals, which, until altered by their mutual agreement, is their mutual obligation. The granted powers, like all trusts committed to human hands, are liable to abuse, and the State possessing a large share of the stock, it is alike, your right and duty, as the chosen guardians of the public interests, to exercise a rigid and watchful scrutiny over its affairs. If they have been rightfully and faithfully conducted, the confidence of the Legislature ought to be freely awarded. If, however, the restraints of the charter have been disregarded, or if the delicate trust with which you have invested her has been abused for unworthy purposes, the offending officer should be dismissed and held amenable to the laws of the country.

Notwithstanding the discouragement, presented by the aspect of the money market at the opening of the spring, the negotiations of our Fund Commissioners resulted in the success hitherto attending them. Without resorting to the discretion given them by the Legislature, as to the sale of six per cent. bonds, all the funds necessary for our purposes, have been procured at five per cent. interest, besides a handsome premium, more than the face of the Bonds. The whole sum borrowed amounts to two millions and thirty thousand dollars, of which \$430,000 were at par, and upon the remaining one million six hundred thousand dollars, a premium of two and three per cent. was received, making thirty four thousand dollars.

By this fortunate arrangement, our Fund Commissioners have saved from \$310,000 to \$350,000 to the State, comparing their success with the sales made of the Bonds of other States, bearing an interest of six per cent. a difference that is not disparaging to others, whilst it faithfully reflects the high character of the State, in the estimation of the public. The annual difference between 5 and 6 per cent. in the payment of interest on our loans, will be ten thousand dollars for every million of our debt. The funds obtained by those negotiations are safely deposited in New York, at the same interest we pay. By an arrangement made with our Banks, the funds needed on the lines are advanced and disbursed

solely by the agency, and through the responsibility of the Banks, and in return they receive at stated periods, checks on the east for the monies thus supplied. By these means, the public money remains at interest until it is paid out, and the State avoids the hazard and cost of transferring and disbursing it.

The signal and unexpected success of our Fund Commissioners, at a period so inauspicious, is an evidence of their fitness and capacity for the discharge of the arduous trust committed to them, and entitles them to the continued confidence of the Legislature and the people.

I should be remiss in my duty towards these meritorious officers, were I not to avail myself of the present occasion to assert their just claims to a more liberal compensation. That allowed them by law, will not justify them in leaving their families and business, and I beg permission to ask your favorable consideration to the subject.

The furniture directed to be procured for the several apartments of the Capitol has been furnished by the Treasurer. The Square has been graded and ornamented with forest and other trees and shrubbery. Two rooms have been neatly prepared under the direction of the Secretary of State, and appropriated as the law directs, to the Indiana Law Library and Library of State. The latter has received as valuable an addition of approved and standard works as the annual appropriation could command.

The present is the last opportunity I shall have of appealing to you in behalf of the State College at Bloomington, and I cannot, without disregarding the suggestions of duty, pass it by in silence. A high standard of proficiency is required from the candidates for its honors, a wholesome discipline is enforced, and every effort is made by the faculty to ensure the promised objects of its establishment. They have succeeded thus far in advancing with the progress of our growth and resources. The wants of the age now demand a broader diffusion of the lights of science and of the principles of sound morality and virtue, and deeming this a propitious time for carrying into effect the provision of the constitution of Indiana, with regard to the establishment of a State University, I beg you to indulge me in repeating the recommendation, that you shall bestow on the institution that distinction and the necessary endowments.

The appointment of State Geologist created by a late law; was tendered to David Dale Owen of our State. After fulfilling an antecedent engagement with the Geologist of Tennessee to visit the mountain regions of that State, he accepted it and entered on the discharge of his duties. His first and preliminary object was to ascertain what geological formations exist in the State, and to determine and trace their boundaries. With that view he passed through its leading subdivisions. In the course of his examinations, he discovered numerous seams of coal, lime-stone, marble, sand-stone, alum-slate, free-stone, water-lime, peat moss, and abundant deposits of every variety of iron ore. The indications of the latter are such as to warrant the assertion that it exists in quality and richness equal to the supply of our wants. In some situations and within a small compass of ground, the ore, coal, lime-stone, and sand-stone, are found with sufficient water power and good timber, all of which

are necessary in converting and reducing that valuable mineral to useful purposes. Although the survey owing to its recent commencement, has necessarily been confined to a general examination of the geological structure and resources of the State, yet the results attest its importance, and will authorize more detailed and systematic researches. The report is one of some labour and will require corresponding time for its submission.

By a special enactment of the Legislature, the revision and amendment of our statute Laws, so much needed, was committed to the Judges of the Supreme Court. The vacancy on that Bench, occasioned by the lamented death of Judge McKinney, was not fulfilled until the June session of the Court. So great an amount of additional duty was thereby imposed on the remaining incumbents, that although some progress has been made, they have not been able to conclude the labour assigned to them. No report will therefore be prepared for your present meeting. In the complex, if not confused and ambiguous condition of our laws, the want of such a volume as the public anticipate from the hands of their Supreme Judges is sensibly felt. Confided, as the task is, to those confessedly the most competent from their attainments, the nature of their pursuits, and a knowledge of the imperfections of the existing law to do it justice, it would be well in such an important matter, to afford them time and opportunity to meet the public expectation.

The provision of the act creating an agency for the superintendence and improvement of the Tippecanoe Battle Ground, have been complied with by the appointment of W. F. Reynolds, Esq., of Lafayette. Measures have been taken to inclose the field of that conflict, made memorable by the bravery of those gallant spirits, whose honored remains have been gathered and now repose together in its bosom. The design of the monument to be erected by the State, has not yet been procured for the want of a knowledge of the most competent artists. It was thought advisable to postpone the subject to the present meeting of Congress, to enable the Governor, through the Indiana Delegation, to ascertain and communicate with artists of the highest reputation.

To adjust and settle definitely all doubts, in relation to the course and termination of that part of the boundary line, between this State and Ohio, near the mouth of the great Miami, the Governor carried out the instructions of the Legislature by the appointment of a Commissioner on the part of Indiana, to act in conjunction with the one representing Ohio. The joint commission composed of John A. Matson of this State, and Micajah T. Williams of Ohio, met at the place appointed by law, were qualified and entered upon the discharge of their duties. They succeeded in establishing the boundary. Monuments will be erected to indicate the separating line of our jurisdiction.

The semi-annual examinations of the State Prison, its policy, and inmates have been made by W. C. Foster, Esq., the visitor. The superintendents do not, as he thinks, make unreasonable exactions of labour, nor do they exercise too great severity in the enforcement of the rules for the government of the convicts. He disapproves of a portion of their daily food.

The improvements, with a view to the enlargement of the prison have

not been commenced, owing to the insufficiency of the appropriations made for that purpose. The urgent necessity for them requires the further attention of the Legislature.

J. H. Colton, Esq. of the City of New York, proposes to publish, on a large scale, the map of Indiana, and has forwarded a copy of it in its yet unfinished state, for the inspection of the members of the Legislature, through whom he wishes to correct errors, if any exist. Several of the states, appreciating the necessity of having accurate maps of their respective territories, have patronized similar projects, and forwarded copies to other states. Should you feel disposed to reciprocate the favor thus received, it is the intention of Mr. Colton, to make the map of this state so much superior to any now published, as to entitle it to your patronage.

The constant and multiplying dangers to which the archives of the state department and the records and files of several of the public officers are exposed, deserve the anxious attention of the legislature. They occupy the public building commonly called the "Governor's House," in which eight fires are constantly kept up. A spark from either may consume the whole, there being no other protection than that given by the officers and clerks when attending at their places during the day. Their preservation is of too much consequence to the State, to be longer left liable to the dangers that surround them. I would therefore advise some early provision for the erection of suitable fire proof offices on the public ground north of the capital. If you can make no better provision for the means, they may be procured from the sale of the building named, with the ground attached to it.

I invite the attention of the legislature to the law providing for the appointment of pilots at the falls of the Ohio. Its object was to afford the extended commerce of that river, all the safety and facilities that could be afforded by the selection of skilful and experienced pilots to conduct it over the falls. They were limited to four in number. The emoluments of these situations being very profitable at certain shipping stages of the river, a spirit of competition has been thereby engendered, which threatens to defeat the wise intentions of the law. Since your last session, owing to the absence of one of the pilots, the Governor made an appointment under an impression, derived from representations made to him, that the individual had abandoned his commission. To obtain the benefits which the law was designed to subserve, a strict fidelity should be exacted from the incumbents by the legislature. The only means of securing it, would be a penalty in the shape of a forfeiture, to be rigidly enforced for every dereliction of duty. The interests involved, require that the appointments should be made with the most guarded caution and with an exclusive reference to the qualifications of the applicant. As the distance of the seat of government from the points where the services are needed, precludes the Governor's acting from personal knowledge, I would suggest, as conducive to the selection of the most competent individuals, the expediency of so modifying the appointing power, now lodged with the Governor, as to require the recommendation of the circuit or county court of the adjoining county.

The increasing amount of business in our judicial circuits is a grievance

which requires the correcting exercise of your authority. It may be remedied by erecting an additional circuit, by prolonging the terms of the court, or increasing their number. Either of these remedies will, I doubt not, effectually remove all cause of complaint, and it is your province to select that which will best accomplish the intended object.

I have heretofore fully exposed to the legislature, my objections to our probate system, and proposed the remedies most approved by my judgment. To them I refer you, and will simply reiterate the opinion, that without a substantial change it can never efficiently guard the rights and interests of the widow, the orphan and the creditor, the protection of which was the chief object of its erection.

Should the Legislature not concur in the views heretofore submitted, a partial remedy for the evils of the present defective system will be found in the appointment of a Commissioner of Probates in each county. In case of a failure on the part of the decedent to make an appointment, the usual duties of an administrator, and the right to investigate all claims upon the estate may be given to the Commissioner, requiring him to make full reports of his proceedings to the court. To prevent the accumulation of large sums in his hands, his duties may cease, on his depositing the notes and evidences of debt with the clerk. On reaching their maturity the court may appoint the next of kin or some other person to collect the amount due on them and pay the claims, after they have been approved by the Commissioner and certified by the clerk. For the want of legal and business qualifications on the part of administrators, expenses are incurred and losses sustained.

The law regulating escheats, is defective in some of its provisions. From recent adjudications it appears that native-born children of alien parents may be deprived of their estates. Whilst it is the true policy to deny to aliens many of the rights and privileges afforded by our institutions until they comply with the conditions necessary to citizenship, yet such a decision, although unvoidable under the present law, is repugnant to our sense of justice, to the genius of our laws, and to the intention of the Legislature. Estates which should rightfully revert to the public use, are also liable to be retained under the disguised and fraudulent pretences of individual claimants, from the want of an authorized agent to investigate and prosecute the rights of the State. I would advise therefore a thorough and careful examination of the whole subject, with a view to an amendment of the defects of the existing law.

The preamble and joint resolutions of the States of Massachusetts and Mississippi, relative to the extension of the franking privilege, have been received, and I now have the honor of submitting them to you.

In compliance with the request of His Excellency the Governor of Kentucky, I lay before the Legislature a communication, enclosing a preamble and joint resolution of the legislature of that State, requesting the protection of our laws against the seduction and concealment of the slaves of her citizens, when they escape, and as they pass along the Ohio River, in the service of their masters.

Upon all questions connected with the institution of slavery, the citizens of this State have been exempt from excitement. Ever mind-

ful of the duties which devolve on her as a member of the great family of American States, united under a common government, and bound together by past recollections, by an identity of origin and a community of general interests, the State of Indiana has religiously abstained in her principles and her policy from every act that could be construed into a disposition to tamper with, or disregard the domestic institutions of her sister States. By a reference to our laws on the subject, it will be seen that they have been shaped with a view to protect the interests and rights of the citizens of those States where slavery has been established, and to furnish all just facilities for the reclamation of that species of property. By the act of 1824, a provision is made for an arrest and hearing, in a most summary manner, our judicial tribunals are ever ready to enforce the law, and a full measure of damages is awarded to the aggrieved individual. Our laws relating to crime and punishment impose a fine not exceeding five hundred dollars, on any one who shall knowingly employ a slave, conceal him, encourage his escape, give him a certificate of emancipation, or a pass, or who shall obstruct his arrest, when claimed by the owner. The claimant is moreover entitled to his action for damages of five hundred dollars against the offending individual.

With the ample provisions already made, I confess my inability to point out other or more efficient means of redress. It is due, however, to Kentucky, to consider the subject, and to exercise that sound discretion which the occasion demands. And when you have deliberated, it will be due to that State, to reply in that feeling of amity, kindness and fraternal regard evinced in the communication submitted to you.

The laws of this State in common with those of almost every other in the Union, require the executive officers and those connected with the disbursement of the public money at that point, to reside at the seat of government. Our officers consist of a Treasurer, Auditor, Secretary of State, one Fund Commissioner, and one member of the Board of Internal Improvement, in all five, in addition to the Governor's staff, whose duties are connected only with the militia. The first three are elected by the Legislature, and the Treasurer alone has any control over the public moneys. The other two were appointed by the Governor and Senate, and have large amounts of the public funds committed to their charge. These officers have uniformly kept safely, disbursed promptly, and most satisfactorily accounted for, every dollar passing through their hands; and there never has been an officer disbursing the public money at the Seat of Government, who has been guilty of any proved or known delinquency. You are aware, however, that active and artful attempts have been made to excite a distrust of the fidelity of the officers of the State Government, and to create the belief that there is a combination of officers residing at the capital, who are leagued with individuals, and are habitually guilty of gross perversions of their trust, and in the fraudulent use of the public funds. Our citizens have paid their taxes cheerfully and will no doubt continue to do so, under the belief that they are faithfully applied to the objects for which they were collected. Should they believe that the money so obtained, or that borrowed for our public works, is corruptly or

improperly used by officers and individuals, they will and ought to withhold their confidence. If the charges are true, the offending individuals should be arraigned at the bar of public justice and before the tribunals of their country. If false, it is due alike to the accused and to the community, that the public mind should be disabused. You possess the power and on you devolves the high duty of examining narrowly into the discharge of every public trust, and exposing all abuses that exist. I would, therefore, recommend the appointment of a committee with power to send for persons and papers, to investigate the whole subject. The public money is deposited in bank, and paid out only on the checks of the officers. If it has been applied to individual or improper purposes, you can easily detect and expose the abuses and apply the appropriate remedy.

My official relations with the Legislature and the people terminate with this communication. The thought of separation creates in my bosom mixed sensations of pain and pleasure. On the one hand, I part with those with whom I have co-operated with all the regret a lively recollection of such an association is calculated to inspire. On the other, enjoying as I have, a full share of the honors of political distinction, and participating in the cares, the responsibilities and the burdens that throng the path of public duty, I welcome the hour of my release that restores me to the endearing pursuits of private life.

On reviewing the period of my official connection with you, it is gratifying to reflect that the confidence between the two branches of the government has been uniform and reciprocal. No other restraint than that opposed by official propriety has governed our intercourse, and my memory recalls no occurrence offensive to a just pride of station, or at variance with the claims of personal respect. In my zealous devotion to the public prosperity, I have freely offered suggestions. Some of them have been made the basis of legislation, and have thus been sanctioned by your better judgment. Other recommendations were regarded as inexpedient, but in place of exciting mortification, the reasons elicited by investigation for their rejection have tended to increase my conviction of the excellence of that feature of our republican system which interposes the Legislative branch between the Executive and the people.

The six years of my public service, to which I have alluded, have been marked with events that will not readily be overlooked in the history of the State. At the suggestions of the public spirit and intelligence of our common constituents, schemes of policy have been adopted by the Legislature, involving lasting and incalculable results to her prosperity and fame. The opportunity I enjoyed of the tender of my feeble aid now ceases, and on you devolves the honorable task of sustaining her cherished policy, and of identifying your names with that series of measures that will tend to aid her in the fulfilment of the high destiny that awaits her. Although separated from you, I shall nevertheless regard your action with anxious solicitude, and I fervently invoke the Divine Being to extend his beneficent and protecting care over your counsel, and to guide you in the path of wisdom, prosperity and honor.

N. NOBLE.

The Senate then returned to their chamber.

On motion of Mr. Vandever,

Resolved, That the Public Printer be directed to print three thousand copies of the Governor's Message, for the use of the members of this House.

On motion of Mr. Stapp,

Ordered, That the Governor's Message be committed to a committee of the whole House, and made the special order of the day for Tuesday next.

And, on motion of Mr. Carr,

The House adjourned.

WEDNESDAY MORNING, December 6, 1837.

The House met pursuant to adjournment.

Mr. Gregory introduced a bill (No. 1) to repeal an act providing for the election of U. S. Senator and other officers by a viva voce vote of the Legislature, approved Feb. 3, 1837.

Which was read the first time,

When Mr. Gregory moved that the rule be suspended, and the bill read a second time *now*.

The ayes and noes being demanded by Messrs. Vandever and Hanna,

Those who voted in the affirmative, were

Messrs. Bennet, Brown, Chamberlin, Cotton of Switz., Gaddis, Glenn, Gregory, Haddon, Hamel, Herriman, Haymond, Henley, Henricks, Hocker, Major, Pabody, Peaslee, Perine, Porter, Ristine, Shook, Thompson of A., Watson and Whitman—24.

Those who voted in the negative, were

Messrs. Arnold, Berry, Blair, Boyd, Bryce, Carleton, Carr, Chamber, Cotton of Perry, Cox, Crume, Cunningham, Davis, Dowling, Eldridge, Ferguson, Garrigus, Graham, Hawkins, Helmer, Hood, Howell, Hubbard, Huff, Hurst, Huston, Jackson, Jones, Kenton, Lane, Lee, Leviston, Macy, Marshall, Matlock, McClure, McCrillus, Miller, Monroe, Morrison, Murphy, Noble, Noel, Osborn, Owen, Reeve, Robbins, Roe, Sims, Smith of Wayne, Smydth of Clay, Stapp, Tannehill, Thompson of Fayette, Vance, Vandever, Walpole, Williams of Lawrence, Williams of Rush, Wines of G. and Wabash, Wines of Vigo, Wyman, Zenor and Mr. Speaker—61.

So said motion was lost,

And said bill passed to a second reading on to-morrow.

On motion of Mr. Berry,

Resolved, That the lobby in the rear of the Speaker's Chair, be reserved exclusively for the use of the members and officers of the Senate, the Judges of the Supreme Court and Circuit Courts, and the Ladies and other persons invited by members of the House. And that the Sergeant-at-Arms and Door Keeper see that the provisions of this resolution be observed.

Zachariah Puckett, the member elect from the county of Randolph, appeared, produced his credentials, was sworn into office by the Hon. William W. Wick, and took his seat as a member of this House.

On motion of Mr. Lane,

The resolution laid on the table on the subject of electing Prosecuting Attorneys, &c. was taken up;

When he substituted the following in lieu thereof;

Resolved, That this House will, the Senate concurring therein, proceed to the election of President Judges of the First, Second and Third Judicial Circuits of the State of Indiana: And Prosecuting Attorneys for the first and third Judicial Circuits on Friday next, at the hour of 10 o'clock, A. M., which,

On motion of Mr. Lee,

Was so amended as to embrace the election of Treasurer of State and Auditor of Public Accounts;

When said resolution as amended was adopted.

Mr. Cunningham offered the following resolution:

Resolved, That a committee of five be appointed, from the seventh Judicial Circuit, with instructions to report a bill to this House for the division of the same and formation of a tenth Judicial Circuit, which,

On motion of Mr. Vandever,

Was laid on the table.

On motion of Mr. Stapp,

Resolved, That the Senate be informed that this House is now ready to open and publish the return of the votes for Governor and Lieutenant Governor of the State of Indiana, given on the first Monday of August last, in the presence of both Houses of the General Assembly, and that the Senate is invited to attend in the Hall of the House of Representatives instantler, for that purpose, and that seats are provided for them on the right of the Speaker's Chair.

On motion of Mr. Milroy,

Resolved, That the Speaker of this House be requested to invite the Hon. William Hendricks, Ex-Governor of Indiana, and the Honorable

Jesse L. Holman, Judge of the District Court of the United States, to occupy seats within the Bar of the House, during the inauguration of the Honorable David Wallace, Governor elect of Indiana.

The Senate then came into the Hall of the House of Representatives and took their seats on the right of the Speaker's Chair, the President of the Senate on the right of the Speaker,

When the Speaker of the House of Representatives proceeded, in presence of both Houses of the General Assembly, to open and publish the returns of the votes given in the several counties of the State of Indiana, on the first Monday of August last for Governor and Lieutenant Governor of said State of Indiana, and before the same were all opened and published;

On motion of Mr. Morgan, a member of the Senate,
The convention of the two Houses adjourned.

The Senate then retired to their chamber; when,

On motion,
The House adjourned until 2 o'clock, P. M.

2 O'CLOCK, P. M.

The House met pursuant to adjournment.

On motion of Mr. Stapp,

Resolved, That the Senate be invited to attend in the hall of the House of Representatives instantler, to be present while the Speaker continues to open and publish the votes given on the first Monday of August last, for Governor and Lieutenant Governor of the State.

Ordered, That the Clerk inform the Senate thereof.

The Senate then came into the hall of the House of Representatives, and took their seats on the right of the Speaker's Chair. The President of the Senate on the right of the Speaker,

When,

The Speaker of the House of Representatives, in the presence of both Houses of the General Assembly, opened and published the residue of the returns of the votes given in the several counties on the first Monday in August last, for Governor and Lieutenant Governor of the State of Indiana, and on counting all the votes returned it appeared therefrom that David Wallace, for the office of Governor, had received 45,240 votes, and that John Dumont, for the same office, had received 36,197 votes.

David Wallace having received a majority of ~~all~~ the votes given, was by the President of the Senate, in the presence of both Houses of the General Assembly of the State of Indiana, declared duly elected Governor of the State of Indiana; to serve as such for the term of three years from and after this day; and ~~until his successor be chosen and qualified~~.

For the office of Lieutenant Governor, it appeared from the returns aforesaid, that David Hillis had received forty-eight thousand, eight hundred and twenty-three (48,823) votes; and Alexander S. Burnett, for the same office, received twenty-two thousand, three hundred and eleven votes.

David Hillis having received a majority of ~~all~~ the votes given, was by the President of the Senate, in the presence of both Houses of the General Assembly, declared duly elected Lieutenant Governor of the State of Indiana, to serve as such for the term of three years, ~~from and after this day, and until his successor be elected and qualified.~~

And the Senate then retired to their Chamber.

On motion of Mr. Stapp,

Resolved, That a Committee of two be appointed on the part of this House to act with a similar committee on the part of the Senate, to wait on His Excellency David Wallace and the Honorable David Hillis, and inform them of their election; the first to the office of Governor and the second to the office of Lieutenant Governor of the State, and to ascertain from them at what time it will be their pleasure to take the oath of office.

Ordered, That Messrs. Stapp, and Smydth of Clay, be appointed said Committee on the part of the House, and that the Clerk inform the Senate thereof.

On motion of Mr. Milroy,

Resolved, That Ex-Governor Ray, be invited to take a seat within the bar of the House, and that a seat be provided for him by order of the Speaker.

The following message was received from the Senate, by Mr. Test, their Principal Secretary:

MR. SPEAKER:

I am instructed by the Senate to inform the House of Representatives, that the Senate have reciprocated the resolution of the House of Representatives appointing a committee of two on the part of each House to wait on his Excellency David Wallace, and the Hon. David Hillis, and inform them that they have been elected respectively, the first to the office of Governor; the second to the office of Lieutenant Governor of the State, and to know of them at what time it will be their pleasure to take the oath of office.

Messrs. Vawter and Morgan of Rush, are appointed the Committee on the part of the Senate.

Mr. Stapp made the following report,

MR. SPEAKER—

The committee appointed on the part of this House, to act with a similar committee appointed on the part of the Senate to wait on his Excellency David Wallace and the Hon. David Hillis, and inform them, that they are elected respectively, the first to the office of Governor, and the second to the office of Lieutenant Governor of the State of Indiana, and to know of them, at what time it will be their pleasure to attend in the hall of the House of Representatives, and take the oath of office; have performed that duty, and report that they have received for answer from those gentlemen, that they will attend in the hall of the House of Representatives, at 4 P. M. of this day.

On motion of Mr. Vandever,

Resolved, That the Senate be invited to attend in the Hall of the House of Representatives instanter, to witness the oath of office administered to his Excellency David Wallace, as Governor, and the Hon. David Hillis as Lieutenant Governor, of the State of Indiana; and that seats be provided for them on the right of the Speaker's chair.

Ordered, That the Clerk inform the Senate thereof.

The Senate then came into the Hall of the House of Representatives, and took their seats on the right of the Speaker's Chair, the President of the Senate on the right of the Speaker;

When David Wallace, Governor elect, and David Hillis, Lieutenant Governor elect, came in, attended by the joint committee appointed for that purpose; who then, in the presence of both Houses of the General Assembly, respectively took the oath of office prescribed by the Constitution, which was administered by the Honorable Isaac Blackford, one of the Judges of the Supreme Court; after which, his Excellency David Wallace, delivered the following address:

Fellow-Citizens of the Senate, and

House of Representatives:

Deeply impressed with the responsibility of the station which the kindness of my fellow-citizens of Indiana has selected me to fill, I embrace this opportunity of tendering to them, through you, my most grateful acknowledgments for this distinguished manifestation of their confidence, together, with a brief expose of the views and opinions I entertain on exciting questions of state policy. In taking this step, I feel that I am only following the wake of all my predecessors. They have, I believe, without a single exception, deemed it most respectful and proper, prior to entering on the discharge of their official duties, to publish to the people an epitome of the principles by which they designed to be governed during their continuance in office. Upon this custom I have no desire to innovate; and, if I had, this is certainly not the time to attempt it. The surprising increase of wealth and population which the history of Indiana for the last eight years so cheerfully exhibits, the acknowledged

extent and fertility of her soil, the singular variety of stirring and important interests growing out of these circumstances, added to the bold daring, and gigantic effort she is now making to ensure a full and speedy development of all her resources, calls not only for the undivided application of the whole energies of her people, but also for the *unconcealed* opinions of her public servants.

In acquitting myself of this delicate task, I frankly confess beforehand, that the consciousness that none of the duties that I shall likely be required to perform, will consist, either in designing, limiting, or establishing, any new system of state policy or improvement, is to me, a source of great and peculiar relief. Because, I cannot but look upon these perplexing matters as being already settled, the controversies concerning them as ended, and the scale and character of our future plans and operations, for years to come, as in a measure, permanently fixed. If, in this, I do not err, the duties deivoing upon each and all of us, as mere agents of the people, are, to my mind, both obvious and easy of comprehension. They are evidently to be confined to the labors of execution; to the toilsome, vexatious, and difficult endeavors to carry out and perfect the magnificent system of State Improvement which the legislation of past years has so laboriously matured.

In assuming such grounds, I am not unconscious that in the estimation of a very respectable portion of my fellow citizens, it is considered that the State has undertaken entirely too much, that the very attempt to prosecute so great an enterprize with the means in possession or expectancy, must inevitably involve us in debts beyond our abilities to pay; and thereby entail upon us, the worst of all evils—oppressive and ruinous taxation without even the hope of relief or mitigation. I am not unaware too, that in anticipation of such fearful consequences, prediction after prediction has repeatedly escaped from intelligent lips, calculated to chill the ardor and to extinguish the noble spirit of daring which seems to have animated the bosoms of a large majority of the people. But the astonishing success which has thus far attended our progress, the realization of all, and more than friends the most sanguine dreamed of; nay, the flattering auspices of the future should, it appears to me, dispel every doubt and quiet every fear which such boding prognostics may have created. To relieve myself, however, in speaking so encouragingly, from the imputation of over-wrought zeal, perhaps, from the charge of being too deeply enamoured with the enterprize itself to exercise a sound and unbiassed judgment, permit me, by departing a little from the course usually adhered to on occasions like the present, to present you with some of the most important facts which the experience of the past most indubitably furnishes.

From documents that will in due time be laid upon your tables by the proper department, I have, at the expense of some labor, and with a view to the assurance of my own mind, gleaned a few interesting items of statistics, which seem to me to exhibit the truest picture of the strength and resources of the State as they now are, together with the best data upon which to build calculations for the future. These have been taken uniformly by me, from the official returns of the assessment of taxable pro-

perty, made from the several counties in the State, agreeably to the requisitions of the law.

If the rule which some political economists have laid down to be correct, that the wealth of a State consists in the number and the industry of her population, Indiana has surely the most abundant reason to feel confident in, and proud of, her present condition and prospects. The yearly accession she has made to these undoubted elements of wealth has been no less cheering than wonderful. To prove this, take the returns just referred to—the returns for instance, of 1830, '35, '36, and '37, now on file in the office of the Auditor of State, and compare them. These show that the taxable polls of 1830, amounted to 52,196; that the same for 1835 amounted to 64,209; for 1836 to 77,438; for 1837, the present year, to 85,000, or thereabouts. I am here constrained, however, to acknowledge, that these returns are in many respects, glaringly imperfect; that they fall greatly below the true estimate as the aggregate vote for Governor, this year, most conclusively demonstrates. This vote amounts to between eighty-three and eighty-four thousand, a little less, you perceive, than the number of taxable polls returned, whereas, in truth and in fact, all parties will admit not less than fifteen or twenty thousand voters either remained at home, or did not vote. But still, imperfect as these returns are, they sufficiently indicate the progressive increase of population to answer our present purposes. They furnish the friends of the present system of State policy and improvement with the most exhilarating results. Instead of witnessing the gloomy process of depopulation, as was so confidently predicted, they have been gratified with the exhibition of scenes the very reverse. The tide of emigration has continued to swell around us beyond all former example; so much so that the increase of the taxable polls of the last two years, exceeds the increase of the taxable polls of the five preceding years, upwards of eight thousand. In other words, the increase of the last two years amounts to 20,711 polls, whilst the increase of the five preceding years amount to only 12,093. I leave the facts with you, without comment. Indeed, they need none; the language they speak and the conclusions they lead to, are as pointed and convincing as the most fastidious friendship could desire.

Again: On the subject of taxable property the same documents display similar results equally as cheering and quite as conclusive. For the year 1830, it is true, we have not the means of ascertaining the aggregate value of property throughout the state—the revenue of this year having been collected under the old system—but, for the years 1835, 36, and 37, we are not left so completely in the dark. The new mode of taxation then for the first time adopted and enforced, shows us that the sum total of all the taxables of these years ranges nearly as follows: that is to say, for the year 1835; 47,353,885 dollars; for 1836, 82,163,687 dollars; for 1837, 98,500,000. Do these flattering results I ask—below the true estimate as they confessedly are—indicate, in the remotest degree, that any of the great fountains of our wealth have been drying up?—With the utmost deference for the adverse opinions of others I humbly conceive not. The canal committees of the Senate and House of Representatives last winter in their report, calculated, only upon an increase of taxables from year to year at a rate of ten per cent. Thus far, at least,

they have missed the mark widely. Instead of 10 per cent. the returns of the present year exhibit an increase of near 20.

If we descend from generals to particulars, the foregoing results will not be materially changed; but, on the contrary, we shall still be cheered by the discovery of new facts, all alike, tending to sustain and confirm the people in the course they are now pursuing. Take for example, the eighteen counties bordering on the Ohio, including all the counties south of White River, and we find that even there, in the oldest settled part of the state where the population, wealth, and improvements are so comparatively fixed, and consequently, less liable to fluctuation and change, the taxable polls increased the present year 1058, and the value of taxable property 2,405,833 dollars. I am not mistaken in this result: Because the returns of 1837 show the taxable polls of these counties to be 19,178, and the amount of taxable property 25,442,307 dollars, whilst the same returns for 1836, only give us 18,120 polls and 23,036,469 dollars of taxables.

But to be more special still; select the counties of Spencer, Perry, Crawford, Harrison, Clarke, Jackson, Switzerland, and Ripley—through which none of the contemplated works of Internal Improvements are to pass—and how stands the account there? Why, in 1836, they returned 7,893 polls and 8,176,374 dollars of taxables; and in 1837, 8,200 polls and 8,793,540 dollars of taxables, showing the increase of the present over the past year to be 302 polls and 623,166 dollars of taxables. A result, certainly, which should be hailed by the friends of Internal Improvement as peculiarly ominous and encouraging; a result which absolutely demonstrates that no part or portion of our State has been retrograding; that no part or portion of our fellow-citizens have been flourishing at the expense or upon their neighbors; in short, that while the north has been springing forward with amazing rapidity, the south—the patriotic south! has been pursuing the even tenor of her way, prospering, even in those parts where no adventitious circumstances have been permitted to assist her.

The foregoing remarks being strictly applicable to our past and present condition, a glance at the future may not, perhaps, be unprofitable. We are all equally interested in the inquiry: What assurances have we that these prosperous circumstances are to continue, or that the sources of our Revenue are to expand in proportion to the increased demand that we know must be made upon us from year to year, to defray, the interest upon our rapidly accumulating debt? In finding an answer to these questions I am happy to say that we are not left to the uncertain guidance of mere conjecture. We have at our command facts and data, as undoubted in their character, as those upon which we have just been commenting. By referring to the reports of the Commissioner of the General Land Office for a series of years back, we ascertain from them, the precise number of acres of the Public Land that have been sold each year within the limits of the State, and consequently, the exact annual additions that will constantly be making to the present amount of our taxable lands as far in advance as 1841. For the satisfaction of my fellow citizens, I here furnish them with these important results. The quantity

of public land sold, for instance, in 1832, amounted to 546,444 acres—these as a matter of course, become taxable the present year: In 1833, 555,000 acres were sold—which become taxable in 1838: In 1834, 585,000 acres were sold—which become taxable in 1839: In 1835, 1,586,903 acres were sold—which become taxable in 1840: In 1836, 3,249,240 acres were sold—which become taxable in 1841: making altogether, a sum total of 6,523,958 acres which in 1841 is to swell the tax list of that year over and above the tax list of 1836, that is instead of the five millions of acres and upwards subject to taxation in 1836, we shall have twelve millions and upwards subject to taxation in 1841. Is not this a most animating result? Could our prospective advancement in all the substantial elements of wealth be presented in bolder relief?

But again; in looking forward to the increase of taxation, it is quite natural that we should enquire how this burthen is to be distributed? Whether equitable or not? Whether it is so arranged that those who are most benefitted shall be required to pay most? Prompted by curiosity, I was led to a somewhat minute examination of these points, and I found, first, that of the 81 counties that appear upon the tax list of the present year, 52 of them are directly and immediately interested in the prosecution of some one of our public works, and 29 that are not! secondly, that the sum of all the taxables returned by the 52 counties this year amounts to near seventy-six millions of dollars, while the same returned by the 29 counties amounts to but twenty-two and a half millions; establishing the fact, to the satisfaction of the most scrupulous, that the former counties, even, of the burthens and expenses of the present year, pay near three and a half times as much as the latter. And I take it, that it needs but a moment's reflection to decide that, this ratio, great as it is, must continue to increase for years to come. For not less, perhaps, than, eight tenths of the six and a half millions of acres of land, which we have seen are to become taxable in 1841, lie in some one of the 52 counties, or in the North. And there is the north too, with her port of entry, and harbour on the Lake; her shipping list, strange as it may sound to our ears: her one hundred thousand dollars worth of exports—her three hundred arrivals and departures of vessels, of various descriptions, the present year: her iron foundries, her numerous manufacturing establishments; her enterprising population—her flourishing towns and villages;—the North, I say! hold out to us these most flattering indications, that she too, will be forthcoming at the hour of need—perhaps, by 41, certainly by 45—with her taxable list of thirty or forty millions of dollars.

With all these facts before us, can the remarkable circumstance—which made false Prophets of so many of us—of the State's procuring last summer, in the midst of the universal wreck of credit which then pervaded the whole country, the necessary amount of funds, and on terms, too, as favorable as she asked for, remain any longer an enigma? I think not.

A question of very considerable importance, bearing directly upon the mode and manner of prosecuting our public works, was agitated among the people during the last summer, with great energy and zeal,—I mean

the question of classification. A more imposing one, perhaps, has seldom or never been introduced to the consideration of any community: one, better calculated to rally to its embrace, a more formidable host of friends. Concentrate, say the advocates of this policy, the entire energies of the state upon some one or two of the works, at a time, and finish them before any of the remainder are touched, and so on in succession, until the whole are completed. Now, the objection to all this, is not, nor cannot be, to the abstract proposition itself, but purely to what must grow out of the effort to apply it—a division of friends—the clashing of adverse interests;—in a word, the utter prostration of the whole system. Believing that such would be the result of its adoption, I have, heretofore, on all fit occasions, declared publicly to my fellow-citizens, my decided hostility to it; and I have now only to add, that I have seen nothing since to justify a change. Still, if in all this, I am mistaken—if my fears and apprehensions are groundless, here, I am happy to say, is the place to correct them. I stand pledged to the people in this matter, to conform to their will, as they may see fit to express it through a majority of both branches of the Legislature. But, in reality, are these fears imaginary? Let us endeavor to test them. Some of the works must be postponed. But whose shall they be? Are you of the North instructed by your constituents, to vote that their work shall be deferred, until all or part of the rest are completed? I put the same question to you of the Wabash—of the Centre—of the East? If you are, why, then, every difficulty vanishes—no dissatisfaction can accrue, and the plan can be carried out successfully: and therewith I shall be content. But, if as I am led to believe, your instructions are directly the reverse: if you are sent here by your constituents to urge a speedy and energetic prosecution of the several works in which they are interested, I cannot, for the life of me, see how you are to classify them in the way proposed, without engendering such hostilities, and creating such divisions among you, as to prove fatal to the whole enterprize. In anticipation of such consequences, and with a view to escape from them, I have, in other places, suggested a different plan;—a plan that can only be carried into effect by liberally indulging in a spirit of compromise. It is to concentrate the means of the state on portions of each work at the same time, commencing at the most profitable and commercial points, to be designated by the Legislature, or the Board of Internal Improvement; to complete these portions respectively, before others are touched; and as soon as completed, put into use, in order that the State may be realizing something from them whilst in the act of finishing the remainder. In this way, conflicting interests may be reconciled—harmony preserved—and the great mass of the people enlisted on the side of our improvements. A point, by the way, of incalculable importance. For let the people of Indiana be united—let their means and resources be applied with all their skill and energy, and I could almost venture to predict their achieving impossibilities. But sow the seeds of discord instead, call up the demon spirit of sectional jealousy to mingle in their councils, and the giant will instantly shrink into the dwarf, and all their efforts be attended by the mortifying concomitants of failure and disappointment.

It is highly necessary also, in the prosecution of our public works, that strict economy should be observed in the administration of every department; lavish, or unnecessary expenditures, should be carefully avoided; the people should be satisfied that every dollar they appropriate shall be skilfully and legitimately applied, and scrupulously accounted for; in fine, that such a line of policy should be selected and rigidly pursued, as will tend most to relieve them from the burthens of taxation, and yet, attain for them, with the commendable rapidity, the great end desired.

Closely and inseparably connected as is the cause of Education with the prosperity and successes of any people, it is unquestionably the part of wisdom, and one of the first requisites of prudence in us, neither to forget nor lose sight of it in our zeal for the achievement of other objects. And, I am proud to say, that, hitherto, we have not. The funds that have been set apart for education purposes in Indiana, are truly great and munificent, and need only a corresponding energy and foresight in the application of them, to procure the happiest results—to carry the light of intelligence and the spirit of enquiry into every family circle in the state. Entertaining such sentiments, I hope I need scarcely add, that I shall cheerfully endeavor to devote whatever ability or influence I may possess, official or otherwise, to aid in its promotion; to cheer its friends, and to rally to its support, the good will and the best regards of my fellow-citizens generally.

Inasmuch, too, as the great and paramount interest of the State is, from the peculiarity of her position and soil, agricultural, it will at all times afford me unmingled satisfaction, to contribute any and every thing in my power to encourage and sustain it. It is, recollect, for this end—and surely a nobler cannot be conceived—that the fortunes of Indiana have been ventured on the construction of so extensive a system of Internal Improvement. The friends of this system ardently hope, that the day will not be far distant, when the million of freemen whose homes are to be reared, and whose industry is to subdue the almost interminable forests, in the interior, shall be enabled by it to enjoy like facilities—like advantages in commercial transactions, as are at present possessed by our more fortunate neighbors, who dwell upon the banks of the Ohio. And permit me to remark, that I hail the spirit displayed through the numerous agricultural societies and fairs created and held the past year, in every part of the State, as furnishing the best guarantee of future success and excellence in every branch of mechanical and agricultural skill. And to my fellow-citizens, who are engaged in at once so innocent—so happy, and so beneficial a scheme of improvement, as these same societies indicate, in the utmost sincerity of my heart, I say, God speed you.

Having now frankly communicated my sentiments in regard to the most prominent questions, that are likely to engage your thoughts and deliberations for some time hence, I have only to add, that I shall diligently seek to co-operate with you in the furtherance of all measures that may have for their object the prosperity and happiness of Indiana. And although I shall not pretend to bring to your assistance the aid of superior abilities, yet I am unwilling to acknowledge that I shall be behind you in the will or the inclination to serve my State to the utmost. And being

that we are now on the threshold of our official intercourse and duties, suffer me, in conclusion, to supplicate Almighty God to smile upon our labors; to light up before us the path of duty; improve and direct our judgments; to inspire our hearts with becoming sentiments of kindness and affection for one another; and finally, to bestow upon us the richest reward public servants can aspire to—the thanks, the commendation, and the support of intelligent constituents.

The Senate then returned to their chamber.

The following message was received from the Senate, by Mr. Test, their Secretary:

MR. SPEAKER:

I am instructed by the Senate to inform the House of Representatives, that the Senate have adopted the following resolution:

Resolved, That a committee of two members on the part of each house, (the House of Representatives concurring,) be appointed to invite the Rev. James Havens to unite with both branches of the General Assembly, in the Hall of the House of Representatives, on to-morrow at 10 o'clock, A. M., in offering to the Supreme Ruler of Nations, our devout acknowledgements of gratitude for past blessings, and our humble supplication for their continuance.

And that the Executive, Judiciary and other State Officers be invited to attend.

And Messrs. Vawter and Dunn are appointed the committee on the part of the Senate.

On motion of Mr. Jones.

Resolved, That the House reciprocate the resolution of the Senate.

And thereupon, the Speaker appointed Messrs. Jones and Carleton a committee on the part of the House.

Ordered, That the Clerk inform the Senate thereof.

On motion of Mr. Stapp,

Ordered, That five thousand copies of the address of His Excellency, Governor Wallace, be printed for the use of the members of this House.

And the House adjourned.

THURSDAY MORNING, December 7, 1837.

The House met pursuant to adjournment.

The Speaker laid before the House the following as the order of business, until otherwise directed by the House:

1st. Reading of the Journals.

- 2nd. Petitions, Memorials and Remonstrances.
- 3d. Reports from Standing Committees.
 - 1st. Of Elections.
 - 2nd. Of Ways and Means.
 - 3rd. On Judiciary.
 - 4th. On Education.
 - 5th. On Military Affairs.
 - 6th. On the Affairs of the State Prison.
 - 7th. On the Affairs of the Town of Indianapolis.
 - 8th. On Claims.
 - 9th. On Roads.
 - 10th. On Canals and Internal Improvements.
 - 11th. On Agriculture.
 - 12th. On Corporations.
 - 13th. On the State Bank.
- 4th. Reports from Joint Standing Committees.
 - 1st. On Public Buildings.
 - 2nd. On the Canal Fund.
 - 3rd. On the State Library.
- 5th. Reports from Select Committees.
- 6th. Resolutions of the House.
- 7th. Joint Resolutions.
- 8th. Bills.
- 9th. Orders of the Day.

Mr. Vandever presented the petition of Joseph Weeks, and others, praying the relocation of part of the Paoli and Rome State Road;

Which was read and referred to a select committee of Messrs. Vandever, Helmer and Berry.

Mr. Huff presented the petition of Harper Hunt and others, praying the vacation of part of an addition to the town of Lafayette;

Which was read and referred to a select committee of Messrs. Huff, Watson and Kenton.

Mr. Cotton, of Perry, introduced the petition of John Daniel and others for the location of a road from Troy, in Perry county, to Paoli, in Orange county;

Also the petition of William Marshall and others on the same subject,

Which were severally read and referred to a select committee of Messrs. Cotton, of Perry, McCrillus and Vandever.

Mr. Henley presented the petition of Samuel L. Adair and others, praying an act of incorporation for the town of New Washington in Clark county;

Which was read and referred to a select committee of Messrs. Henley, Hurst and Ferguson.

Mr. Cotton, of Perry, introduced the petition of William Marshall and others, praying the passage of a law to prevent obstructions to the two main forks of Anderson Creek;

Which was read and referred to a select committee of Messrs. Cotton, of P., Howell and Graham.

Mr. Glenn presented the petition of sundry citizens of Dearborn county, praying the relocation of part of the State Road from the mouth of Hogan to the Lawrenceburgh and Indianapolis State Road;

Which was read and referred to a select committee of Messrs. Glenn, Ferris and Jackson.

Mr. Roe introduced the petition of William Trulock and others, praying certain relief for the minor heirs of Michael C. Snyder, deceased;

Which was read and on motion laid on the table.

On motion of Mr. Bryce,

Resolved, That the Speaker be requested to invite the Hon. William Hendricks, late Senator in Congress from Indiana, to a seat within the Bar of this House during his stay in Indianapolis.

Mr. Thompson, of Fayette, introduced a Bill, No. 2, to enable citizens of the United States to inherit lands of their alien ancestors lying in this State;

Which was read the first time and passed to a second reading on tomorrow.

The orders of the day were then taken up.

The bill No. 1, to repeal an act providing for the election of U. S. Senators and other officers by a viva voce vote of the Legislature, approved February 3d, 1837;

Was read the second time,

When Mr. Jones moved,

That said bill be indefinitely postponed.

And before any question was had thereon,

Said bill was, on motion,

Laid on the table.

Mr. Carleton from the joint committee appointed for that purpose made the following report:

MR. SPEAKER:

The joint committee appointed to wait on Mr. James Havens, minister of the gospel, and invite him to attend in the Hall of the House of Representatives this day, and offer up Devout Thanksgivings and Prayer, in behalf of the members of the General Assembly, have performed that duty; and have received for answer, that he will attend at the hour of 10 o'clock this morning, in the Representative Hall, in compliance with the resolutions of the two Houses.

On motion of Mr. Stapp,

Resolved, That the Senate be invited to attend in the Hall of the House of Representatives instanter, while Devout Prayer and Thanks-

giving be offered in behalf of our common country and the members of the General Assembly.

Ordered, That the clerk inform the Senate.

The Senate then came into the Hall of the House of Representatives and took their seats on the right of the Speaker's chair; the President of the Senate on the right of the Speaker:

When the Rev. Mr. Havens came in, attended by the joint committee appointed for that purpose:

And addressed the Throne of Grace in a devout and impressive manner, by thanksgiving and prayer.

After which the Senate retired to their chamber.

The following message was received from the Senate, by Mr. Test, their Secretary.

MR. SPEAKER:

I am instructed by the Senate to inform the House of Representatives that the Senate have passed a bill of the Senate, entitled

No. 1. An Act to repeal an act entitled an act to provide for the election of United States Senator, and for other purposes. Approved February 3, 1837.

In which they ask the concurrence of the House of Representatives; Which said bill from the Senate was read the first time; when

On motion of Mr. Gregory,

The rule was dispensed with, and said bill read a second time; when

Mr. Vandevere moved,

That said bill be indefinitely postponed.

And before any question was had thereon, the House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment; and resumed the consideration of the proposition of Mr. Vandevere, to postpone indefinitely the bill of the Senate on the subject of the election of United States Senators and other officers:

And on the question, shall said bill be indefinitely postponed, the ayes and noes being demanded thereon by Mr. Vandever, and

Those who voted in the affirmative were:

Messrs. Arnold, Berry, Chamberlin, Cotton of Perry, Cox, Crume, Cunningham, Davis, Dowling, Ferguson, Garrigus, Glenn, Graham, Hawkins, Henley, Hood, Howell, Hubbard, Huston, Jones, Judah, Lane, Lee, Mallock, McClure, Milroy, Monroe, Morrison, Murphy, Owen, Perine, Pucket, Roe, Sims, Smith of Wayne, Stapp, Thompson of Fayette, Van-

deveer, Walpole, Williams of Lawrence, Wines of G. and W., Wines of Vigo and Zenor—43.

Those who voted in the negative were:

Messrs. Bennett, Blair, Boon, Boyd, Bryce, Brown, Carleton, Carr, Cotton of Switzerland, Eldridge, Ferris, Gaddis, Gregory, Haddon, Hamel, Hanna, Herriman, Haymond, Helmer, Henricks, Hocker, Huff, Jackson, Kenton, Leviston, Macey, Major, Marshall, McCrillus, Miller, Nickel, Noble, Noel, Osborn, Pabody, Peaslee, Porter, Proffit, Reeve, Ristine, Robbins, Shook, Smydth of Clay, Tannehill, Vance, Watson, Whitman, Williams of Rush, Williams of Wayne, Wilson, Wyman and Mr. Speaker—52.

So said bill was not indefinitely postponed.

Mr. Vandever moved to amend said bill by adding thereto the following:

Sec. *Be it further enacted*, That so much of an Act entitled An Act to amend an act to provide for a General System of Internal Improvement; approved Jan. 27, 1836; approved Feb. 4, 1837, as requires each House of the General Assembly to vote separately by ayes and noes, having the same entered on their journals; be, and the same is hereby repealed.

Sec. *And be it further enacted*, That hereafter the members of the Board of Internal Improvements shall be elected by joint ballot of both Houses of the General Assembly of the State of Indiana.

And on the question, shall the bill be so amended; and the ayes and noes being demanded thereon by Messrs. Vandever and Glenn,

Those who voted in the affirmative were:

Messrs. Berry, Carr, Cox, Davis, Garrigus, Gregory, Judah, Roe and Vandever—9.

Those who voted in the negative were:

Messrs. Arnold, Bennett, Blair, Boon, Boyd, Bryce, Brown, Carleton, Chamberlin, Champer, Cotton of Perry, Cotton of Switzerland, Crume, Cunningham, Dowling, Eldridge, Ferguson, Ferris, Glenn, Graham, Haddon, Hamel, Hanna, Hawkins, Herriman, Haymond, Helmer, Henley, Henricks, Hocker, Hood, Howell, Hubbard, Huff, Huston, Jackson, Jones, Kenton, Lane, Lee, Leviston, Macey, Major, Marshall, Matlock, McClure, McCrillus, Miller, Milroy, Moure, Morrison, Murphy, Nickel, Noble, Noel, Osborn, Owen, Pabody, Peaslee, Perine, Porter, Proffit, Pucket, Reeve, Ristine, Robbins, Shook, Sims, Smith of W., Smydth of Clay, Stapp, Tannehill, Thompson of A., Thompson of Fayette, Vance, Walpole, Watson, Whiman, Williams of Lawrence, Wil-

liams of Rush, Williams of Wayne, Wilson, Wines of G. and W., Wines of Vigo, Wyman, Zenor and Mr. Speaker—87.

So said amendment was not adopted.

Mr. Bryce moved to amend said bill by adding, "except so much of the said act as relates to the election of United States Senator."

And on the question shall said bill be so amended;

The ayes and noes being requested by Messrs. Vandever and Prof-

Those who voted in the affirmative, were

Messrs. Arnold, Blair, Bryce, Chamberlain, Cox, Crume, Davis, Dowling, Eldridge, Ferguson, Graham, Hawkins, Herriman, Henricks, Howell, Hubbard, Huston, Jones, Judah, Kenton, Lane, Lee, Major, Matlock, McClure, McCrillus, Milroy, Monroe, Morrison, Murphy, Nickel, Osborn, Owen, Peaslee, Perine, Puckett, Sims, Smith of W., Stapp, Thompson of A., Thompson of Fayette, Vandever, Walpole, Williams of L., Williams of W., Wilson, Wines of G. and W., Wines of Vigo and Zenor—49.

Those who voted in the negative, were

Messrs. Bennett, Berry, Boon, Boyd, Brown, Carleton, Carr, Chamber, Cotton of P., Cotton of Switz., Cunningham, Ferris, Gaddis, Glenn, Gregory, Haddon, Hanna, Haymond, Helmer, Henley, Hocker, Hood, Huff, Jackson, Leviston, Macy, Marshall, Miller, Noble, Noel, Pabody, Porter, Profit, Reeve, Ristine, Robbins, Roe, Shook, Smydth of C., Tannehill, Vance, Watson, Whitman, Williams of Rush, Wyman and Mr. Speaker—46.

So said amendment was adopted.

And then the bill passed to a third reading on to-morrow.

And the House adjourned until to-morrow morning, 9 o'clock.

FRIDAY MORNING, December 8, 1837.

The House met pursuant to adjournment.

The Speaker laid before the House, the Report of the Treasurer of State, which, without reading, was referred to the committee of Ways and Means.

Ordered, That five hundred copies thereof be printed for the use of the members of this House.

The Speaker announced the appointment of the following Standing Committees:

JOINT COMMITTEES.

1st. *On Public Buildings.*—Messrs. Hanna, Brown, Eldridge, Graham, Reeve, Wines of V., Burns, Noble, Helmer, Wilson and Roe.

2nd. *On the Canal Fund.*—Messrs. Milroy, Crume and Huff.

3rd. *On the State Library.*—Messrs. Dowling, Owen and Judah.

COMMITTEES OF THE HOUSE.

1st. *On Elections.*—Messrs. Haymond, Gaddis, Zenor, Kenton, Cox, Davis, Hadden, Hocker, Matlock, Miller, Roe, Shook, Porter, Vance and Nickol.

2nd. *Of Ways and Means.*—Messrs. Crume, Hawkins, Morrison, Blair, Graham, Helmer, Wines of G. and W., Pabody, Leviston, Cotton of S., Ferguson, Burns, Glenn, Osborn, Murphy, McCrillies, Ristine, Boyd and Lee.

3rd. *On the Judiciary.*—Messrs. Judah, Hurst, Bryce, Jones, Lane, Proffit, Macy, Chamberlin, McClure, Carleton, Ferguson, Huff, Robbins, Peaslee, Stapp, Walpole, Williams of R., Champer and Tannehill.

4th. *On Education.*—Messrs. Jones, Owen, Reeve, Bryce, McCrillus, McClure, Thompson of F., Sims, Porter, Pabody, Smith of W., Noble, Cotton of P. and Wyman.

5th. *On Military Affairs.*—Messrs. Vandever, Milroy, Howell, Zenor, Hanna, Lee, Murphy, Hawkins, Cotton of P., Garrigus, Gregory, Jackson, Kenton, Vance, Ristine, Miller, Berry and Ferris.

6th. *On State Prison.*—Messrs. Ferguson, Zenor, Carr, Henley, Cotton of S., Huston, Hocker, Jackson, Arnold, Boon, Davis, Shook and Major.

7th. *On the Affairs of the Town of Indianapolis.*—Messrs. Morrison, Bennet, Boon, Hadden, Williams of L., Wilson, Roe, Perine, Noel, Osborn and Major.

8th. *On Claims.*—Messrs. Bennett, Pucket, Smith of W., Cotton of P., Cunningham, Tannehill, Champer, Cox, Hanna, Walpole, Watson and Reeve.

9th. *On Roads.*—Messrs. Gregory, Howell, Wilson, Brown, Ferris, Garrigus, Herriman, Monroe, Vance, Smydth of C., Miller, Nickol, Watson, Milroy, Murphy and Smith of W.

10th. *On Canals and Internal Improvements.*—Messrs. Stapp, Vande-

veer, Jones, Proffit, Haymond, Lane, Thompson of A., Carleton, Noel, Henley, Whitman, Hamel, Henricks, Perry, Cunningham, Hubbard, Blair, Owen, Peaslee, Lee, Eldridge, Macey, Dowling, Sams, Crume, Smyth of C., and Hood.

11th. *On the State Bank.*—Messrs. Marshall, Williams of W., Hurst, Jones, Murphey, Huff, Wines of V., Whitman, Davis, Thompson of A., Gregory, Bennett, McCrillus and McClure.

12th. *On Agriculture.*—Messrs. Thompson of A., Harryman, Boon, Jackson, Monroe, Major, Kenton, Burns, Hanna, Roe, Osborn, Boyd, Cox and Eldridge.

13th. *On Corporations.*—Messrs. Proffit, Hurst, Chamberlain, Judah, Dowling, Glenn, Champer, Thompson of F., Wilson, Hood, Hanna, and Helmer.

14th. *On Enrolled Bills.*—Messrs. Walpole and Graham.

On motion,

Ordered, That 200 copies of the Standing Committees be printed. Also, 200 copies of the Order of Business.

Mr. Haymond presented the petition of C. F. Clarkson and others, for a State road from Brookville to the State line;

Which was read and referred to the standing committee on Roads.

Mr. Davis introduced the petition of J. Walker and others, asking the establishment of a State road from Washington in Davis county, to Orleans in Orange county;

Which was read and referred to the standing committee on roads.

Mr. Vandever presented the petition of C. M. Donald and others, praying the relocation of part of the Corydon and Paoli State road;

Which was read and referred to the same select committee to which other petitions on that subject were referred.

Mr. Blair presented the petition of John Rhorer and others, asking a change in the Shelbyville and Vernon State Road;

Which was read and referred to the committee on Roads.

On motion of Mr. Vandever,

The petition of William Trulock and others was taken from the table and referred to the Committee on the Judiciary.

Mr. Blair presented the petition of Joseph W. Graham and others, relating to the Presbyterian Church on Sand Creek;

Which was read and referred to the Committee on the Judiciary.

Mr. Hanna introduced the petition of Eliza Martin praying to be divorced from her husband;

Which was read and laid on the table.

Mr. Wines of G. & W. presented the petition of William B. Caldwell and others, asking a charter for building a bridge across the Wabash river in said county;

Which was read and referred to the Committee on Corporations.

Mr. Cotton, of Switzerland, presented the petition of sundry citizens of Switzerland county, praying a classification of the works of Internal Improvement, &c.

Which was read and referred to the Committee on Canals and Internal Improvements.

Mr. Morrison offered the following resolution:

Resolved, That the Public Printer be required to print 700 copies of the Journals of this House, and that the clerk be authorized to hand the Journals over to the printers as early as practicable after being read and approved.

Mr. Jones moved to amend said resolution so as to require 1400 copies instead of 700, which did not prevail, when,

On motion of Mr. Lee,

Said resolution was so amended as to authorize 1000 copies to be printed.

When said resolution as amended was adopted.

On motion of Mr. Murphy,

Resolved, That the Committee on the Judiciary be authorized to enquire into the expediency of increasing the compensation of Grand and Pettit Jurors and witnesses, with leave to report by bill or otherwise.

On motion of Mr. Judah,

Resolved, That the Treasurer of State report to this House, the amount of money which may have been appropriated to the improvement of the Wabash River, by the act of January, 1824, and by the act of Feb. 1834, from that portion of the 3 per cent. fund, which, according to the usual mode of distributing that fund, would have belonged to the counties of Knox, Sullivan, Vigo, Parke, Vermillion, Fountain, Warren, Tiptecanoe, Carroll, Allen, Huntington, Wabash, White, Clinton, Putnam, Montgomery, Clay, Miami and Cass.

Mr. Jones offered for adoption the following resolution:

Resolved, That the Committee upon the State Bank be instructed to inquire into the expediency of increasing the capital stock of said bank by subscription on the part of the State or otherwise, to the amount of one half its present capital, and requiring such increased capital to be loaned upon pledges of unincumbered real property, of at least double the value of the amount of the loan; and at a rate of interest not exceeding seven per cent. per annum, with leave to report by bill otherwise, which,

On motion of Mr. Glenn,

Was laid upon the table.

On motion of Mr. Bennett,

The previous orders of the day were suspended,

And the Bill from the Senate No. 1, to repeal An Act, entitled "An Act to provide for the election of United States Senator and for other purposes, approved February 3d, 1837," was taken up and read the third time.

And on the question of the passage of said bill as amended,

And the Ayes and Noes being required by Messrs. Dowling and Hood,

Those who voted in the affirmative were,

Messrs. Arnold, Bennett, Berry, Blair, Boon, Boyd, Brown, Carleton, Carr, Chamberlain, Champer, Cotton of Switz., Cox, Crume, Davis, Dowling, Eldridge, Ferris, Glenn, Graham, Gregory, Hadden, Hamel, Hanna, Hawkins, Herriman, Haymond, Helmer, Henricks, Hocker, Howell, Hubbard, Huff, Huston, Jackson, Judah, Kenton, Leviston, Macy, Major, Marshall, Matlock, McClure, McCrillus, Miller, Milroy, Monroe, Morrison, Murphey, Nickel, Noble, Osborn, Owen, Pabody, Peaslee, Perine, Porter, Proffit, Reeve, Ristine, Robbins, Shook, Sims, Smith of W., Smydth of C., Tannehill, Thompson of A., Thompson of F., Vance, Watson, Whitman, Williams of L., Williams of R., Williams of W., Wines of V., Wyman, Zenor, and Mr. Speaker.—81.

Those who voted in the negative were,

Messrs. Cotton of P., Cunningham, Ferguson, Gaddis, Garrigus, Henley, Hood, Hurst, Jones, Lane, Lee, Puckett, Roe, Vandever, Walpole, and Wines of G. and W.—16.

So said Bill passed.

Ordered, That the clerk inform the Senate and ask their concurrence in the amendment of the House.

On motion of Mr. Hocker,

Resolved, That the committee on Roads be instructed to enquire into the expediency of so amending an act entitled an act to locate a State road from Indianapolis to Lafayette as to extend the width of said road to sixty feet, with leave to report by bill or otherwise.

On motion of Mr. Shook,

Resolved, That the committee on roads enquire into the expediency of providing each supervisor, with a copy of the Road laws of this State, with leave to report by Bill or otherwise.

On motion of Mr. Osborn,

Resolved, That the Secretary of State be requested to furnish one copy of the Journal of the last session of this House, a copy of the Revised Laws and each of the subsequent acts, of the Legislature of this State, for the use of each member of this House during the present session.

On motion of Mr. Milroy,

Resolved, That the Secretary of State be requested to lay before this House a copy of the compact with the State of Ohio, relative to the construction of that portion of the Wabash and Erie Canal, which is within the limits of that State; with copies of all papers on file in his office relative to that subject calculated, to show the nature of the equivalent benefits, the State of Indiana is to receive in return for the cession of the Canal Lands in Ohio to that State.

On motion of Mr. Chamberlain,

Resolved, That the committee on Roads be instructed to inquire into the expediency of increasing the fine against delinquent laborers on the public highway, to the sum of one dollar or more for each days delinquency, and also of extending the time at which persons liable to work on the public roads shall be exempt from such labor to a more advanced period.

Mr. Glenn introduced a bill

No. 3, to amend the act, to incorporate the Aurora and Napoleon Turnpike Company,

Which was read the first time and passed to a second reading on to-morrow.

Mr. Davis introduced a bill

No. 4, to revive an act, approved February 4th, 1837;

Which was read the first time, and passed to a second reading on to-morrow.

On motion of Mr. Cunningham,

The resolution on the subject of the division of the 7th and formation of a 10th Judicial Circuit, was taken from the table and modified so as to authorize an enquiry on that subject,

And was then adopted.

Ordered, That said committee consist of Messrs. Cunningham, Davis, Judah, Champer. Berry, Boyd and Wines of Vigo.

Mr. Owen of Posey, introduced the following resolution, which was adopted:

Resolved, That the Committee on the Judiciary be instructed to enquire into the expediency of substituting, in whole or in part, the provisions of the civil law, for those of the common law, in so far as relates to the obtaining and holding property, personal as well as real, by married women.

On motion of M. Jones,

The resolution laid upon the table on the subject of increasing the stock of the State Bank,

Was taken up;

And on the question of adopting said resolution, it was decided in the negative.

Mr. Bennett offered the following resolution:

Resolved, That the Hon. Jonathan M'Carty, late a Representative in Congress, be invited to take a seat in the hall of the House of Representatives, during his stay at Indianapolis; and that the Door-Keeper be directed to furnish a seat accordingly;

Which was so amended as to invite the Hon. John W. Davis and Hon. Amos Lane, also, to take seats within the bar during their stay at the seat of Government;

When said resolution was adopted.

On motion of Mr. Vandever,

Resolved, That the Judiciary Committee be instructed to enquire whether the Charter of the State Bank of Indiana, has not become forfeited by the suspension of specie payments by that institution, and report to this House the facts at as early a period as practicable of the present session.

On motion by Mr. Milroy,

Resolved, By this House, That the joint rules be amended, so that the Committee on the Canal Fund consist of five members "on the part of each House," and that the Senate be requested to concur in this amendment.

On motion of Mr. Hadden,

Resolved, That the Judiciary Committee be instructed to enquire into the propriety of so amending the judiciary system as to make *stayors* of executions on all judgements rendered by a justice of the peace, liable to pay the same in the event the principal should fail, unless said stayor has stayed the same at the special request of the endorser.

On motion by Mr. Carlton,

Resolved, That the Committee on Roads be requested to enquire into the expediency of empowering each supervisor, to notify such persons as may be the owner of lands within their respective districts, but who may reside in another, to work the roads in the districts in which their lands may be respectively situated, and in case of non compliance, to give said supervisors the power of recovering the penalty annexed thereto, as in other cases, with leave to report by bill or otherwise.

On motion of Mr. Stapp,

Resolved, That the publishers of papers in this town whose duty it is to furnish to the members of this House their respective papers, be requested to send them to this House enveloped separately in strong paper.

Mr. Hubbard introduced a joint resolution entitled, No. 5, on the subject of the annexation of Texas to the United States;

Which was read the first time and passed to a second reading on to-morrow.

The orders of the day were then taken up.

Bill No. 2, to enable citizens of alien ancestors to hold real estate within this State;

Was read the second time,

When,

On motion,

Said Bill was referred to the Committee on the Judiciary.

Mr. Perine introduced a bill entitled No. 6, locating a State Road from Warsaw to Montezuma,

Which was read the first time and passed to a second reading on tomorrow.

On motion of Mr. Graham,

Resolved, That the Committee on Roads be instructed to enquire into the expediency of making the road laws *uniform* throughout the State; and furnishing each supervisor of roads with a copy thereof.

Mr. Vandever introduced a bill entitled No. 7, to amend an Act, entitled an Act, to appropriate the 3 per cent. fund in certain counties therein named, approved February 4, 1837.

Which was read the first time and passed to a second reading on tomorrow.

Mr. Miller introduced the following resolution,

Which was laid upon the table,

Resolved, That the Committee of Ways and Means be instructed to enquire into the expediency of authorizing an issue of Treasury Notes; based on the faith and credit of the State; and payable by the State to public officers, and on the public works, with the privilege on the part of the holder, to fund them at an interest not to exceed six per cent. And to insure their reception in the payment of debts, their refusal shall entitle the debtor to an extension of the stay of execution.

The following message was received from the Senate, by Mr. Test their Secretary:

MR. SPEAKER—

I am directed, by the Senate, to inform the House of Representatives that the Senate have concurred in the amendment of the House, to the bill of the Senate entitled,

No. 1, An act to repeal an act entitled an act to provide for the election of United States Senators, and for other purposes, Approved February 3, 1837.

The Senate have passed an engrossed bill of the Senate entitled,

No. 3, An act legalizing certain proceedings in relation to certain School lands, and School trustees in Lawrence county.

In which the concurrence of the House of Representatives is respectfully requested.

The Bill from the Senate entitled,
 No. 3, legalizing certain proceedings in relation to certain school
 lands and school trustees;
 Was read the first time,
 When,

On motion of Mr. Williams of L.,

The rule was dispensed with and the bill read a second and third time
 and passed.

Ordered, That the Clerk inform the Senate thereof.

And the House adjourned until 2 o'clock, P. M.

2 o'clock P. M.

The House met pursuant to adjournment.

Mr. Graham made the following report:

MR. SPEAKER—

The joint committee on Enrolled Bills, have this day compared the
 enrolled with the engrossed bill of the Senate No. 1, entitled An act to
 repeal an act entitled an act to provide for the election of United
 States Senator, and for other purposes, approved Feb. 3, 1837, and find
 the same truly enrolled.

On motion of Mr. Ferguson,

Resolved, That the Committee on Canals and Internal Improvements
 be instructed to enquire into the expediency of authorizing by law the
 subscription, on the part of the State, so much of the stock of the Jeffer-
 sonville and New Albany Canal Company, as has been reserved to the
 State by the charter of said company, and in case it shall be deemed in-
 expedient, then, in that case, report the expediency of relinquishing on
 the part of the State, the right so reserved.

On motion of Mr. Hecker,

Resolved, That the Committee on Roads be instructed to enquire into
 the expediency of making some suitable appropriation upon the Michigan
 Road so as to facilitate the conveyance of the heavy mails on that
 road.

On motion of Mr. Glenn,

Resolved, That the Committee on Canals and Internal Improvements
 be instructed to enquire into the expediency of reporting a bill provid-
 ing for the erection of bridges over all canals, where the same crosses
 public roads.

On motion of Mr. Howell,

Resolved, That the Committee on the Judiciary be instructed to enquire into the expediency of establishing by law, throughout the State, a uniform mode of doing county business, and report by bill or otherwise.

Mr. Eldridge introduced a bill entitled,

No. 8, explanatory of an act entitled an act to provide for a lock in the pool dam near Delphi;

Which was read the first time and ordered to a second reading on tomorrow.

On motion of Mr. Bryce,

Resolved, That the committee on the State Bank be instructed to inquire strictly into the manner in which the said Bank and each of her Branches have transacted the business of said Bank; and whether there has been any mal administration of the concerns of said Bank or of any of her Branches; and whether any of her Branches have, at any time, issued any notes or checks of a less denomination than Five Dollars; and also how much *specie* has been paid into each Branch on the Capital Stock thereof; and whether any of the Branches have at any time discounted on issue more than two and a half times the amount of their capital actually paid in *specie*; and whether any of the Branches have received as payment of stock any bank notes of the local banks of other States, and counted the same as specie; and in what proportion at each Branch, directors, stockholders, and citizens not stockholders, have been accommodated with discounts; and that said committee have power to send for persons and papers, and to report to the House at as early a period as practicable.

On motion of Mr. Chamberlain,

Resolved, That the committee on Education be instructed to report to this House, if deemed expedient, a bill to provide for ascertaining the number of taxable polls in each township, amendatory to the 13th section of an act to provide for the distribution of the surplus revenue in the State of Indiana; approved Feb. 6th, 1837.

On motion of Mr. Champer,

Resolved, That the Judiciary Committee be instructed to enquire into the expediency of so amending the law, that all persons commencing any civil suit before a justice of the peace, shall be bound to security for costs on affidavit filed before such justice by the defendant, his agents or attorney, that the plaintiff is not worth costs, if adjudged against him; with leave to report by bill or otherwise.

On motion of Mr. Carleton,

Resolved, That the committee on Canals and Internal Improvements be requested to inquire into the expediency of so far amending section 23d of an act to provide for a General System of Internal Improvement,

approved January 27th, 1836, as that where any mill, factory, or other machinery is in operation on the proper site for the use of the surplus water, over and above the quantity required for navigation, as therein provided for, the canal commissioners having charge of the particular section in which such machinery may be situated, be allowed to lease said water, on such terms as is usual for the lease of such powers, and not inconsistent with the interest of the State.

Mr. Hocker moved the following resolution:

Resolved, That the committee on Canals and Internal Improvements be instructed to inquire into the expediency of so amending an act entitled an act to provide for a General System of Internal Improvement, as to make it the duty of the Board of Internal Improvement to confine their operations to certain definite portions of said work, with leave to report by bill or otherwise.

Mr. Hubbard moved to amend said resolution so as to make it imperative on the committee:

And before any question was had thereon

Said resolution and pending amendment was laid on the table

On motion of Mr. Morrison,

Resolved, That the Judiciary Committee be instructed to inquire into the expediency of making such amendments to the laws now in force relative to the taking of materials for the construction of works of internal improvement in this state, as will secure to the owners of land, timber, and other materials, a fair and equitable consideration therefor, in all cases; and as to making the State liable in all cases where materials are taken for the use of the State, by or through the orders of the contractors, or other persons in the employ of the State, and where said contractors may become insolvent: And also, to provide by law, that in all cases where the owner or agent of the owner of any tract of land resides within the county in which said tract of land may be, it shall be the duty of persons wishing to take materials for the use of the public works, first to notify such owner or agent of such intention, and to secure to such owner or agent full compensation for such materials wanted, before timber be felled, or other materials removed from said land.

On motion of Mr. Hubbard,

Resolved, That the committee of Ways and Means be instructed to inquire into the expediency of repealing so much of the present revenue law as requires a license for the privilege of vending foreign merchandize, except so much as relates to vending spirituous liquors.

On motion of Mr. Peaslee,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the law in relation to decedent's estates, that the widow of any person dying intestate (the value of whose property shall not exceed one hundred dollars) shall be authorized to ap-

ply to some disinterested justice of the peace of the county, whose duty it shall be (upon affidavit filed of the death of such decedent, and that the estate of said decedent will not exceed in value one hundred dollars) to appoint three disinterested house holders to value said estate on oath; and that upon filing in the clerk's office a certified copy of such appraisement, the personal property so appraised to vest in the widow: *Provided* the same does not exceed in value \$100: And also authorizing the widow and family of any person dying intestate to make use of all necessary provisions from the time of the death of said decedent, until the appraisement of said decedent's estate by persons legally authorized to value the same.

The following resolution was introduced by Mr. Ristine and adopted:

Resolved, That the committee of Ways and Means be instructed to inquire into the expediency of so changing the mode of collecting the revenue, as to require the collector to meet the citizens in each township in every county on certain days in each year, to be fixed by law for that purpose.

On motion of Mr. Smydth of Clay,

Resolved, That the Judiciary Committee be instructed to inquire into the expediency of so amending the act entitled "An act concerning vagrants," approved Jan. 22d, 1818, as to require the verdict of a jury to commit to jail or bind out to a trade or occupation persons charged with being vagrants.

On motion of Mr. Williams of L.,

Resolved, That the Judiciary Committee be instructed to inquire into the expediency of dividing the State into Probate Circuits, and electing by joint ballot a judge for each circuit.

Mr. Graham from the joint committee on enrolled bills, made the following report:

MR. SPEAKER:

The joint committee on Enrolled Bills have this day presented to his Excellency the Governor, for his approval and signature, an act entitled "An act to repeal an act entitled 'an act to provide for the election of United States Senator and for other purposes;'" approved February 3d, 1837.

On motion of Mr. Berry,

Resolved, That the committee on Education be instructed to enquire into the expediency of so amending the school law, as to compensate the School Commissioner, for receiving and disbursing interest on the Surplus Revenue fund with leave to report by Bill or otherwise.

Mr. Walpole introduced A Bill entitled No. 9 to authorize the election of Seminary Trustees in Hancock county,

Which was read the first time and ordered to a second reading on tomorrow.

Mr. Milroy moved the adoption of the following Resolution,

Resolved, That it shall be a standing rule of this House, that a member introducing a Bill, petition or Resolution that shall be referred to any of the standing committees, such member shall therefore be a member of such standing committee for and during the time such bill petition or resolution shall be under consideration by said committee and have rights in common with other members.

Mr. Vandever moved to amend said resolution, by striking out that part which gives equal rights as a member of the committee, and insert "that the mover shall have a right to discuss and explain the merits of his resolution," and pending the question on said resolution.

Mr. Ristine moved that said resolution and pending amendment lie upon the table, which motion did not prevail. And the question recurring on said amendment, was decided in the negative.

When said resolution was adopted.

The Speaker laid before the House the following communication from his Excellency the Governor.

EXECUTIVE DEPARTMENT, Dec. 8, 1837.

Hon. THOS. J. EVANS,

Speaker of the House of Representatives:

Douglass Maguire is authorized to make communications from this Department to the House of Representatives.

DAVID WALLACE.

The following message was received from his Excellency the Governor, by Mr. Maguire his private Secretary.

MR. SPEAKER:

I am requested by his Excellency the Governor to inform the House of Representatives that he did on this day approve and sign an act, which originated in the Senate, entitled,

An act to repeal an act entitled "An act to provide for the election of United States Senator and for other purposes," approved February 3d, 1837.

On motion of Mr. Williams of Rush,

Resolved, That the committee on military affairs be instructed to enquire into the expediency of establishing a more efficient military system in the

State of Indiana, than now exists with leave to report by Bill or otherwise.

And the House adjourned until to-morrow morning 9 o'clock.

SATURDAY MORNING, Dec. 9, 1837.

The House met pursuant to adjournment.

The Speaker laid before the House the Report of the Commissioners on the Wabash River, which was read and referred to the committee on Canals and Internal Improvements.

Ordered, That 200 copies thereof, be printed for the use of the members of this House.

The Speaker laid before the House a Report from the Secretary of State,

Which was read and referred to the committee of Ways and Means.

The Speaker laid before the House the Report of the Secretary of State on the subject of the State Library,

Which was read and referred to the committee on the State Library.

Ordered, That 200 copies thereof be printed for the members of this House.

The Speaker also laid before the House the Annual Report of the Auditor of Public Accounts, which was read and referred to the committee of Ways and Means, and 200 copies thereof ordered to be printed.

The Speaker laid before the House the Annual Report of the State Bank of Indiana, together with a Report from the Commissioners of the Sinking Fund.

Which was referred to the Committee on the State Bank,

And 500 copies thereof ordered to be printed.

Also 500 copies of the condensed report from the Directors of the State Bank, heretofore laid before the House.

Mr. Graham from the committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The Joint Committee on Enrolled Bills have this day compared the enrolled with the engrossed bill of the Senate, No. 3, entitled, "An Act legalizing certain proceedings in relation to certain school lands and school trustees in Lawrence county;" and find the same truly enrolled.

Mr. Huston presented the petition of the Trustees and others of the Washington Academy;

Which was read and referred to a select committee of Messrs. Huston, Monroe and Roe.

Mr. McCrillus presented the petition of Simon S. Monk and others, praying the relocation of a State Road from Miltown to the Leavenworth and Jasper State Road;

Which was read and referred to the Committee on Roads.

Mr. Eldridge presented the petition of Robert Gray and others, asking the location of a State Road from Myer's Mill to Burlington;

Which was read and referred to the Committee on Roads.

Mr. Hood introduced the petition of Mesheck Tucker and others, asking the establishment of a State Road from the town of Wabash in Miami county, via North Liberty to Rochester, in Fulton county;

Which was read and referred to the Committee on Roads.

Mr. Sims presented the petition of Jonathan Carr and others asking the passage of a law to incorporate a County Seminary in Morgan county;

Which was read and referred to a select committee of Messrs. Sims, Boyd and Chamber.

Mr. Thompson, of Allen, introduced the petition of Henry Johns and others, praying the establishment of a State Road from Fort Wayne to Cold Water;

Which was read and referred to the Committee on Roads.

Mr. Smydth of Clay presented the petition of sundry citizens of Clay county, on the subject of the jurisdiction of justices of the peace in said county;

Which was read and referred to a select committee of Messrs. Smydth of C., Dowling and Hadden.

Mr. Herriman introduced the petition of Simeon Tuttle and others for the establishment of a State Road from Benton in Elkhart county to the line of Lagrange and Noble counties, &c.

Which was read and referred to the Committee on Roads.

Mr. Watson presented the petition of James Nowland and others for a State Road from Jamestown in Boon county to Lafayette;

Which was read and referred to the Committee on Roads.

Mr. Hood presented the petition of Samuel L. Black and others for a State Road from Peru to the east line of Cass county in the direction of Logansport;

Which was read and referred to the Committee on Roads.

Mr. Vance presented the petition of William H. Parmelle and others for a State Road from Cambridge to Fort Wayne;

Which was read and referred to the Committee on Roads.

Mr. Eldridge presented the petition of Richard Pryor and others, for a state road from the old French Trading House to the Michigan road near Andrew Johnson's;

Which was read and referred to the committee on roads.

The following message was received from the Senate by Mr. Test, their Secretary:

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives, that the Senate have concurred in the resolution of the House, to proceed to the election of President Judges of the first, second and third Judicial Circuits of the State of Indiana, and Prosecuting Attorneys for the first and third Judicial Circuits, Treasurer of State, and Auditor of Public Accounts, with amendments, 1st, by striking out of said resolution all that part of said resolution relating to the election of Treasurer of State, and also Auditor of Public Accounts, and striking out the words "on Friday, (instant) at 10 o'clock," and insert Saturday, instant, at 10 o'clock:

To which amendments the Senate respectfully request the concurrence of the House of Representatives.

Messrs. Thompson of L. and Stafford are appointed tellers on the part of the Senate.

In which said amendments of the Senate the House concur, and Messrs. Huff and Reeve are appointed tellers on the part of the House.

Mr. Hanna moved the following resolution:

Resolved, That the committee on Roads be instructed to inquire into the expediency of authorizing the boards doing county business in each county, to appoint supervisors on each of the public roads in their respective counties, and of assigning the hands most contiguous to said roads, to work and keep them in repair.

On motion of Mr. Bennett said resolution was amended by adding, "and to define more clearly what is meant by the 49th section of the road law," and was then adopted.

Mr. Hocker offered the following resolution:

Resolved, That the committee on Canals and Internal Improvements be instructed to inquire into the expediency of so amending an act entitled "An act to provide for a General System of Internal Improvements," as to cause the Madison, Indianapolis and Lafayette rail road to be located on the nearest and best route from Indianapolis to Lafayette; and in the event that said amendment shall be deemed inexpedient, that said committee be further instructed to inquire into the expediency of so amending said act as to cause the said rail road to be extended to Covington in Fountain county. Thence in the direction of Danville in Illinois to the State line; and that said committee be further instructed to inquire into

the expediency of repealing so much of said act as relates to the location of said road from Crawfordsville to Lafayette, with leave to report by bill or otherwise.

Which was,

On motion of Mr. Bryce,
Laid on the table.

On motion of Mr. Ferguson,

Resolved, That the Commissioner of the Sinking Fund report to this House the Branches at which their loans have been made, the amount loaned at each Branch, the number of persons of each county who appear as borrowers from that fund, and the amount loaned in each county.

On motion of Mr. Chamberlain,

Resolved, That the committee of investigation of the affairs of the Bank, be instructed to ascertain whether said Bank or any of its Branches have issued bills between the denominations of five, ten and twenty dollars.

On motion of Mr. Cotton of Switzerland,

Resolved, That the committee on the Judiciary inquire into the expediency of allowing Judges of Probate Courts the right to appoint counsel in all cases where the interest of minor heirs is concerned.

On motion of Mr. Milroy,

Resolved, That the Judiciary committee be instructed to inquire into the expediency of so amending the "act regulating crime and punishment," so as to establish and define as a criminal offence, the practice of habitual or professional gambling; and prescribing appropriate punishment, with leave to report by bill or otherwise.

On motion of Mr. Haymond,

Resolved, That the certificates of election of the members of this House be referred to the committee on Elections.

On motion of Mr. Chamberlain,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of so amending existing laws relative to trials by jury, before justices of the peace, as that in all suits before justices of the peace either party may call a jury of three, six, or twelve; and in case the other party requires a larger number of jurors than three or six, such party shall pay the costs of the additional jurors.

The following resolution was proposed by Mr. Smith of W.,

Resolved, That the committee on Canals and Internal Improvements inquire into the expediency of providing by law, that no contracts shall be let for the construction of any public work in this state, which shall not at the time of letting, have a sufficient appropriation of funds made by the General Assembly to meet the contracts, and report by bill or otherwise.

Which

On motion of Mr. Crume,
Was laid on the table.

On motion of Mr. Glenn,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of so amending the existing laws of this State as to abolish imprisonment for debt, with leave to report by bill or otherwise.

Mr. Davis introduced a bill entitled No. 10, for the sale of certain school lands belonging to the Vincennes Reserved tract.

Which was read the first time and passed to a second reading on Monday next.

On motion of Mr. Smith,

Resolved, That the Senate be invited to attend in the Hall of the House of Representatives *instanter*, to go into the election of Judges and Prosecuting Attorneys.

The Senate then came into the Hall of the House of Representatives and took their seats on the right of the Speaker's Chair; the President of the Senate on the right of the Speaker;

When both Houses proceeded to the election of President Judge for the first Judicial Circuit, Messrs. Thompson of Lawrence and Stafford acting as tellers on the part of the Senate, and Messrs. Huff and Reeve on the part of the House.

On counting the ballot, it appeared,

That Isaac Naylor	received	75 votes
William P. Bryant	"	69 "

Isaac Naylor having received a majority of all the votes given, was by the President of the Senate, in the presence of both Houses of the General Assembly declared duly elected President Judge of the first Judicial Circuit for the term of seven years from this day.

Both Houses in like manner proceeded to the election of President Judge of the second Judicial Circuit.

On counting the ballot it appeared,

That John H. Thompson	received	121 votes.
Scattering	"	22 "

John H. Thompson having received a majority of all the votes given was by the President of the Senate, in the presence of both Houses of the General Assembly, declared duly elected President Judge of the second Judicial Circuit for the term of seven years from this day.

Both Houses then in like manner proceeded to the election of President Judge for the third Judicial Circuit.

On counting the ballot it appeared that

Miles C. Eggleston	received	75 votes.
Andrew Davidson	"	66 "
Scattering	"	2 "

Miles C. Eggleston having received a majority of all the votes given, was by the President of the Senate in presence of both Houses of the General Assembly, declared duly elected President Judge of the third Judicial Circuit for the term of seven years from this day.

Both houses then in like manner proceeded to the election of Prosecuting Attorney for the first Judicial Circuit.

On counting the ballot it appeared that

Joseph A. Wright	received	69 votes.
Daniel Mace	"	40 "
Rufus A. Lockwood	"	15 "
Samuel C. Wilson	"	19 "

No person having received a majority of all the votes given, both Houses proceeded in like manner to a second balloting.

When on counting the ballot it appeared that

Joseph A. Wright	received	78 votes.
Daniel Mace	"	61 "
Rufus A. Lockwood	"	4 "

Joseph A. Wright having received a majority of all the votes given, was by the President of the Senate, in the presence of both Houses, declared duly elected Prosecuting Attorney for the first Judicial Circuit for the term of two years from and after the expiration of the term of the present incumbent.

Both Houses then in like manner proceeded to the election of Prosecuting Attorney for the third Judicial Circuit.

On counting the ballot it appeared that

John Dumont	received	76 votes.
John S. Watts	"	26 "
John A. Matson	"	38 "
Scattering	"	3 "

John Dumont having received a majority of all the votes given, was by the President of the Senate, in the presence of both Houses of the General Assembly, declared duly elected Prosecuting Attorney for the third Judicial Circuit for the term of two years from the expiration of the term of service of the present incumbent.

The Senate then retired to their chamber,

And the House adjourned until Monday Morning 9 o'clock.

MONDAY MORNING, December 11, 1837.

The House met pursuant to adjournment.

Mr. Vandever having obtained leave offered the following resolution:

Resolved, That this House will, the Senate concurring therein, go into the election of Treasurer of State, and Auditor of Public Accounts at 2 o'clock, P. M.

Mr. Glenn moved that said resolution lie upon the table.

Which motion was decided in the negative;

When said resolution was adopted.

Ordered, That Messrs. Lee and Thompson of Allen, be appointed tellers on the part of the House, and that the Clerk inform the Senate thereof and ask their concurrence therein.

On motion of Mr. Dowling,

Messrs. Marshall and Pucket, were added to the committee on the Judiciary.

The Speaker laid before the House, the following communication from the Secretary of State, in answer to a resolution of this House:

INDIANAPOLIS, Dec. 11th, 1837.

HON. THOMAS J. EVANS,

Speaker of the House of Representatives.

SIR:

I take this method of informing you, and through you the House over which you preside, that the Laws and Journals required by a resolution of the House, have been furnished to the Door-Keeper, and can be had by application to him, except the General Laws of last session. I have already furnished your House with twelve copies, which is all that can be spared from the Library. The act of 1831, fixes the number of laws to be printed, which is not sufficient, owing to the number of counties, which have been organized since that time, so that when I furnished the counties with the number required by law, I had but fifty copies left; out of this number I have to furnish each state in the union with one copy.

I have directed the Door-Keeper not to take them into the Hall until called for. The number required by the resolution of the House, would place on the table of each member ten copies which would be the means of encumbering his desk with unnecessary matter.

I am very respectfully,
your humble servant,

WM. J. BROWN,
Secretary of State.

Mr. Davis presented the petition of Cary O'Neal and others, for a state road from Orleans, in Orange county, via Bedford and Washington to Carlisle, in Sullivan county.

Mr. Williams of Rush, presented the petition of Levi Hatfield and others, for a state road from Carthage, in Rush county, to the White Water Canal in Wayne county.

Mr. Blair presented the petition of Peter Gray and others, for a change in the Napoleon and Columbus state road.

Mr. Eldridge presented the petition of Richard Tyner and other, for a state road from Georgetown to the Michigan road near Logansport.

Which were severally read and referred to the committee on Roads.

Mr. Chamberlain presented the petition of sundry citizens of the county of Elkhart, asking the passage of a law for the relief of Henry Matthews.

Which was read and referred to the committee on Claims.

Mr. Boon presented the petition of sundry citizens of Rush county, praying that the bond of matrimony be dissolved between John Duvall and Nancy, his wife.

Which was read and laid upon the table.

Mr. Haymond presented the petition of William Wallace and others, for a state road from Brookville to the state line in a direction for Oxford, Ohio.

Mr. Watson presented the petition of Frederick C. Webb and others, for a state road from Americus in Tippecanoe county to Monticello in White county.

Which were severally read and referred to the committee on Roads.

Mr. Hubbard presented the petition of Will R. Merin and others for a state road from Cambridge to Huntington.

Which was read and referred to a select committee of Messrs. Hubbard, Williams of W., Smith of W., Hawkins, Pucket and Vance.

Mr. Noel presented the petition of Derbin Gaw, for a change of venue.

Which was read and referred to the committee on the Judiciary.

Mr. Vance presented the petition of James Guthrie and others, for the appointment of commissioners to locate the seat of justice for the county of Wells.

Which was read and referred to a select committee of Messrs. Vance, Pucket and Hawkins.

Mr. Osborn introduced a bill (No. 11) for the relief Jonathan Parks.

Which was read the first time and passed to a second reading on tomorrow.

Mr. Huff from a select committee appointed on that subject, reported a bill (No. 12) to vacate part of Solomon Romig's addition to the town of Lafayette.

Mr. Chamberlain from the committee on that subject reported a bill (No. 13,) to continue the Logansport state road from Goshen in Elkhart county via Bristol to the state line.

Which were severally read the first time and passed to a second reading on to-morrow.

On motion of Mr. Crume;

Resolved, That the committee on Ways and Means be directed to enquire into the propriety of so amending the revenue law as to exempt from taxation, all articles of property that are not specifically named in the law.

On motion Mr. Owen,

Resolved, That the resolutions adopted by this House at its last session, to wit: on the 14th of January last, amendatory of the rules of the House for the remainder of that session, which amendments have been heretofore by resolution adopted for this session also, be and the same are, hereby rescinded.

Mr. Hanna offered for adoption the following,

Resolved, That when the motion of a member is seconded by another member, that the name of the second shall appear on the journal as well as that of the mover.

On motion of Mr. Cotton of Switzerland,

Said resolution was laid upon the table.

On motion of Mr. Bryce,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of so amending an act for the prevention of fraud and perjuries, approved January 24, 1831, as to shorten the time of Recording Deeds for land, and mortgages; and that they have leave to report by bill or otherwise.

Mr. Henley offered the following resolution,

Resolved, That the committee on Canals and Internal Improvements be instructed to enquire into the propriety of reporting to this House a bill in conformity with the recommendation of His Excellency Gov. Noble, in which he says in reference to our works of Internal Improvement that "the great disparity in the length of the lines, in their relative cost, and the time requisite to finish them, indicate the evident impolicy of their simultaneous completion."

Mr. Howell moved to amend said resolution by making the reference thereof to a select committee

When,

Mr. Crume moved that said resolution and pending amendment be laid upon the table.

And the Ayes and Noes being demanding thereon by Messrs. Henley and Glenn.

Those who voted in the affirmative were,

Messrs. Berry, Boyd, Bryce, Carleton, Chamberlain, Champer, Crume, Cunningham, Davis, Dowling, Eldridge, Gaddis, Graham, Hamel, Hanna, Hawkins, Herriman, Haymond, Helmer, Henricks, Hood, Hubbard, Huff, Lane, Lee, Macy, Marshall, McClure, Miller, Morrison, Murphy, Noble, Osborn, Pabody, Proffit, Ristine, Robbins, Sims, Smydth of C., Stapp, Tannehill, Thompson of A., Thompson of F., Vandever, Watson, Whitman, Williams of Law., Williams of R., Williams of W., Wines of G. & W., Wines of V., Wyman and Mr. Speaker--53.

Those who voted in the negative were,

Messrs. Arnold, Bennett, Blair, Boon, Brown, Burns, Carr, Cotton of P., Cotton of S., Cox, Ferguson, Ferris, Garrigus, Glenn, Gregory, Haddon, Henley, Hocker, Howell, Hurst, Huston, Jackson, Judah, Kenton, Leviston, Major, Matlock, McCrillus, Milroy, Monroe, Nickel, Noel, Owen, Peaslee, Perine, Porter, Pucket, Reeve, Roe, Shook, Smith of W., Walpole, Wilson and Zenor--43.

So said resolution was laid upon the table.

Mr. Hocker moved to take from the table a resolution on the subject of the Lafayette rail road, &c.,

Which motion did not prevail.

Mr. Judah moved the adoption of the following resolution:

Resolved, That the publishers of the Indiana Farmer and Stock Register, furnish weekly five additional copies of his paper to each member of this House,

Which,

On motion of Mr. Miller,

Was laid upon the table.

On motion of Mr. Milroy,

Resolved, That the Board of Internal Improvement be requested to report to this House the number of Engineers, Assistant Engineers, with the necessary attendants, now in the employ of the State, with a statement in detail of the compensation allowed to each of those officers and attendants; together with an aggregate statement of the entire annual contingent expense, including pay to Commissioners, Clerk hire, &c., of the system of Internal Improvement, as now progressing.

And that the Clerk of this House be directed to transmit a copy of the above resolution to the Board of Internal Improvement.

On motion of Mr. Eldridge,

Resolved, That the committee on Canals and Internal Improvement enquire into the expediency of enacting a law authorizing the debtors to the State for canal lands to pay the same in annual instalments, in all cases where they may wish so to do.

Mr. Howell offered for adoption the following resolution:

Resolved, That the committee on the Judiciary, be instructed to report a bill to this House, repealing the law, establishing Probate Courts, in each county, and transferring the duties thereof to the several circuit courts, of this State, and the propriety of extending the time of the session of the several courts.

On motion of Mr. Chamberlin the resolution was so amended as to direct the committee to enquire into the expediency of the measure,

And was then adopted.

The following message was received from the Senate by Mr. Cole, a member:

MR. SPEAKER:

I am instructed by the Senate to inform the House of Representatives that the Senate have reciprocated the resolution of the House to proceed to the election of Treasurer of State, and Auditor of Public Accounts on this day at 2 o'clock, P. M.

Messrs. Morgan of Rush and Ewing are appointed tellers on the part of the Senate.

On motion of Mr. Champer,

Resolved, That the Judiciary Committee be instructed to enquire into the expediency of so altering the law, in reference to the mode of doing county and township business in this State as to make it uniform, and if such alteration be found inexpedient, then to allow, to the justices of the peace doing county business in the different counties, a reasonable compensation for their services, with leave to report by bill or otherwise.

Mr. Lee offered the following resolution,

Resolved, That not more than one hour of each day shall hereafter be occupied in offering resolutions.

On motion of Mr. Crume,

Ordered, That said resolution be laid upon the table,

On motion of Mr. Ferguson,

Resolved, That 500 copies of the documents accompanying the message of the Governor be printed for the use of the members of this House.

On motion of Mr. Burns,

Resolved, That the Judiciary Committee enquire into the expediency of requiring plantiffs in actions at law and complainants in suits in chancery, to give security for costs if required, unless they are able to justify as to their responsibility therefor.

On motion of Mr. Milroy,

Resolved, That the Board of Canal Fund Commissioners, be requested to report to this House the precise amount of the State debt, contracted for Internal Improvements; with the rate of interest payable thereon, the nature of the funds that have been received, by the state in payment of said loans, particularly specifying the description of funds received, or to be received, in payment of the loans of the present year; and reporting what Bank or Banks, the loans or funds for Internal Improvement are deposited.

And that said Board be requested to state whether the interest on the canal debt, has not been paid from the money *borrowed*: with the amount of premium that has been paid [if any] to obtain such funds as would be received in payment of interest.

And that said Board also report the rate of exchange, and the amount thereof, that has been received by the State Bank, or individuals, for draughts sold on the depositories of the Internal Improvement funds in Eastern Banks.

And whether such exchange received on eastern drafts, have been credited to the canal funds, or been retained by the Banks, or individuals selling such drafts.

And that said Board be requested further to report the description of funds paid out by the State Bank or Branches, as disbursing agents, to contractors and others; on the public works, stating the difference in value as near as can be ascertained; between the funds so paid out: and those that have been received by the Bank, and also the difference between those funds so paid out, and specie.

And the Clerk of this House, be directed to transmit a copy of the foregoing resolutions to said Board of Canal Fund Commissioners.

And the House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

On motion of Mr. Graham,

Resolved, That the Senate be invited to attend in the Hall of the House of Representatives, *instanter*, for the purpose of going into the election of Treasurer of State, and Auditor of Public Accounts, and that seats be provided for them on the right of the Speaker's Chair.

The Senate then came into the Hall and took their seats on the right of the Speaker's Chair. The President of the Senate on the right of the Speaker; when both Houses of the General Assembly proceeded by joint ballot to the election of Treasurer of State.—Messrs. Morgan of Rush and Ewing, acting as tellers on the part of the Senate; and Messrs. Lee and Thompson of A. on the House.

On counting the first ballot, it appeared that,

Nathan B. Palmer received	77 votes
William Sheets “	61 “
Scattering “	6 “

Nathan B. Palmer, having received a majority of all the votes given, was by the President of the Senate in the presence of both Houses of the General Assembly, declared duly elected Treasurer of the State of Indiana for the term of three years.

Both Houses then, in like manner proceeded to the election of Auditor of Public Accounts.

On counting the first ballot it appeared that,

Morris Morris received	83 votes.
Mayhue “	31 “
Tingle “	26 “
Scattering “	5 “

Morris Morris, having received a majority of all votes given; was by the President of the Senate, in the presence of both Houses of the General Assembly, declared duly elected Auditor of Public Accounts for the State of Indiana for the term of three years.

And then the Senate retired to their Chamber.

On motion of Mr. Owen,

Resolved, That the committee on the State Library be instructed to enquire into the expediency of providing by law, for the setting aside annually the sum of twelve and a half cents on each hundred dollar share of stock in every incorporated company, to whom a charter shall hereafter be granted by this Legislature; said sum to constitute a permanent fund for the purchase and support of our State Library, and to be in lieu of all other taxes and assessments on the stock of said corporation, except such as may be hereafter expressly levied over and above the same by the General Assembly.

On motion of Mr. Noel,

Resolved, That the Judiciary committee be instructed to inquire into the expediency of authorizing a change of venue in criminal causes in the circuit courts, on affidavit, in the same manner of changing the venue in civil causes.

On motion of Mr. Walpole,

Resolved, That a committee consisting of the members representing the several counties of the fifth judicial circuit, be instructed to inquire what changes, are necessary as to the terms and times of holding circuit courts in the fifth judicial circuit, with leave to report by bill or otherwise.

On motion of Mr. Jones,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of publishing a number of copies of the revised laws of 1831, and the acts of subsequent years, to be sent into each of the counties in this state, to be sold at such price as shall reimburse the state, the expense of publishing the same, with leave to report by bill or otherwise.

On motion of Mr. Peaslee,

Resolved, That the Board of Internal Improvement be directed to communicate to this House the amount of all the contracts which have been made upon the public works under their superintendence, designating the number of miles put under contract upon each work, and the cost of the same: also, the estimated cost (of such portions of said works as have been put under contract,) as originally made by the Board of Engineers, previous to the passage of an act entitled "An act to provide for a General System of Internal Improvement, approved Jan. 27th, 1836:" Also, the total amount of expense incurred on account of the services of the Fund Commissioners and Board of Internal Improvement, their clerks and engineering department since their last report; designating the number of engineers and assistant engineers that have been employed, and where, during the past season, and that are now employed; and the amount of compensation allowed to each.

On motion of Mr. Bennet,

Resolved, That the Secretary of State be directed to make out and furnish the Printer for this House a complete Index for the Journal of the House of Representatives, for which he shall be allowed the same compensation as was allowed him for indexing the Journal of the last session.

Mr. Thompson of Allen introduced a memorial and joint resolution (No. 14,) relative to the Wabash and Erie Canal;

Which was read three times, the rule having been dispensed with, and passed.

Ordered, That Mr. Thompson inform the Senate and ask their concurrence therein.

Mr. Smydth of C. introduced a joint resolution (No. 15,) relative to postage;

Which was read the first time, and passed to a second reading on tomorrow.

Mr. Cotton of S. presented a bill (No. 16,) to repeal an act entitled

"An act to prohibit the circulation of Bank notes of a less denomination than five dollars, approved Feb. 2nd, 1832.

Mr. Brown introduced a bill (No. 17,) to declare a misprint.

Mr. McCrillus introduced a bill (No. 18,) to amend the act for opening and repairing public roads and highways, approved Feb. 10, 1831.

Mr. Arnold presented a bill (No. 19,) to provide for the erection of bridges over the White Water Canal.

Mr. Bennet presented a bill (No. 20,) to amend an act entitled "An act regulating the practice in suits at law."

Mr. Hubbard introduced a bill (No. 21) "regulating the compensation of jurors and witnesses."

Which bills were severally read the first time and ordered to a second reading on to-morrow.

And the House adjourned until to-morrow morning, 9 o'clock.

TUESDAY MORNING, December 12, 1837.

The House met pursuant to adjournment.

The Speaker laid before the House a petition on the subject of the Mount Carmel and New Albany rail road;

Which was read and referred to the committee on corporations.

Mr. Dowling presented the petition of Ezra M. Jones, Collector of Vigo county, asking certain relief;

Which was read and referred to Messrs. Dowling, Wines of V. and Smydth of Clay.

Mr. Matlock presented the petition of John Peak and others, for a state road therein named;

Which was read and referred to the committee on roads.

Mr. Hubbard presented sundry petitions on the subject of printing the laws of this State in the German language,

Which were read and referred to the committee on the judiciary.

Mr. Reeve offered for adoption the following resolution:

Resolved, That a committee of two from each Congressional District be appointed; with instructions to enquire what alterations (if any) are ne-

cessary to the system of Internal Improvements adopted by the Legislature of 1835-6 and approved Jan. 27, 1836, and the prosecution thereof.

And that in the selection of said committee, the present standing committee on Canals and Improvements be excluded,

With leave to report by Bill or otherwise.

On motion of Mr. Bryce,

Ordered, That said resolution be laid upon the table.

Mr. Bryce offered the following resolution:

Resolved, That the committee on the judiciary be instructed to report to this House a joint resolution, making provision for a revision of the laws of this State as soon as practicable.

Mr. Henley moved to lay said resolution upon the table,

Which motion was decided in the negative,

And said resolution was adopted.

Mr. Graham, from the committee on Enrolled Bills made the following report.

Mr. SPEAKER:

The joint committee on Enrolled Bills did this day present to his Excellency the Governor, for his approval and signature, A Bill of the following title to wit:

"No. 3 An Act legalizing certain proceedings in relation to certain school lands, and school trustees in Lawrence county."

Mr. Williams of Wayne presented the following preamble and resolution.

"Whereas the State has embarked in an extended system of Internal Improvements, which will require the judicious and economical application of her resources and means; and whereas the expenditures of large sums of money, for which the people of the State are *mutually responsible*, require great caution, as to the objects on which those expenditures are to be made; and whereas it is the duty of the Legislature to guard the people against unnecessary or oppressive burthens, in the prosecution of those improvements.

Therefore Resolved, That while we look to the completion of the works contemplated in the Internal Improvement Bill; the committee on Canals and Internal Improvements be directed to enquire into the expediency of directing the Board of Internal Improvement, to make the greatest expenditure, for the next two years, on those works and such parts thereof, as will in their judgment, produce the earliest, and best return to the State on the investment; and which may be deemed by them of the most immediate importance to the growth and prosperity thereof.

Mr. Stapp moved to amend said resolution by adding thereto the following,

Resolved, That in prosecuting the works of Internal Improvement of the State, every precaution ought to be taken against the useless, expenditure of public money on works, which will not be useful or profitable to the people of the State.

That modifications tending to economy, should be looked to with deep interest by every friend of the system: But that no classification ought to take place in favor of any one work, to the exclusion of other works.

Mr. Bryce moved that said resolution and pending amendment be laid upon the table.

And before any question was had thereon the House adjourned until 2 o'clock P. M.

2 o'clock, P. M.

The House met pursuant to adjournment and resumed the consideration of the question pending at the time of adjournment.

And before any decision, was had thereon, the House adjourned until to-morrow morning at 9 o'clock.

WEDNESDAY MORNING, Dec. 13, 1837.

The House met pursuant to adjournment.

The Speaker laid before the House a report of the Board of Internal Improvement of the State of Illinois,

Which was read and referred to the committee on Canals and Internal Improvement.

The Speaker laid before the House the report of David Dale Owen, Geologist of the State of Indiana,

Which was referred to the committee on Education.

Ordered, That 500 copies of said report and accompanying Diagrams be printed.

The Speaker laid before the House a communication from the Secretary of State, in reference to the compact between the States of Ohio and Indiana on the subject of the Wabash and Erie Canal,

Which was referred to the committee on Canals and Internal Improvement.

The following message was received from the Senate by Mr. Test, their Secretary.

Mr. SPEAKER:

I am instructed by the Senate to inform the House of Representatives that the Senate has passed an engrossed Joint Resolution of the House entitled.

No. 14. A memorial, and Joint Resolution relative to the Wabash and Erie Canal.

The Senate have also passed engrossed bills and a joint memorial of the Senate as follows:

No. 5. An act making an appropriation of part of the three per cent. fund in Lawrence county.

No. 8. An act to appropriate part of the three per cent. fund in Fountain county.

No. 6. A joint memorial of the General Assembly of the State of Indiana in relation to the Harbor at Michigan City.

To which Bills, and joint memorial of the Senate the concurrence of the House is respectfully requested.

The engrossed bill of the Senate "No. 5, making appropriation of the three per cent. fund of Lawrence county,"

Which was read the first time,

When the rule was dispensed with,

And the bill read the second and third times and passed.

Ordered, that the Clerk inform the Senate thereof.

The engrossed bill No. 8 of the Senate, to appropriate part of the three per cent. fund of Fountain county;

Was read the first and second times,

When,

On motion of Mr. Carleton,

Said bill was amended by striking out "300" where it occurs, and inserting "500;"

When the bill as amended was read the third time and passed.

The engrossed joint memorial No. 6 of the General Assembly of the State of Indiana in relation to the harbor at Michigan city;

Was read three times,

The rule having been dispensed with,

And passed.

Ordered, That the Clerk inform the Senate of said bill and joint me-

morial, and ask the concurrence of the Senate to the amendment of the House to said bill.

The Speaker laid before the House a report from the Canal Fund Commissioners;

Which was read and referred to the committee on the Canal Fund.

Ordered, That 500 copies thereof be printed.

Mr. Noble presented the petition of Reason Slack and others, for the continuation of the south state road from Indianapolis to Sparks' Ferry;

Which was read and referred to the committee on Roads.

Mr. Milroy gave notice that he would on to-morrow move to amend the joint rules adopted for the government of the two Houses, so as to authorize the appointment of "nine" members of each House on the joint committee on the Canal Fund.

Mr. Peaslee presented the petition of John Bennett, asking certain relief;

Which was read and referred to the committee on the Judiciary.

Mr. Robbins presented the petition of A. Hacker and others, for the location of a state road;

Which was read and referred to the committee on Roads.

Mr. Thompson of A. presented the petition of James Hatfield, asking to be divorced from his wife, Mary Hatfield;

Which was read and laid upon the table.

Mr. Blair presented the petition of the Board doing county business in Decatur county;

Which was read and referred to the committee on the Judiciary.

Mr. Judah, from the committee on the Judiciary, made the following report:

MR. SPEAKER:

The committee on the Judiciary have had under their consideration the bill relative to alien heirs, and have directed me to report:

That by act of Congress it is enacted, that when any alien who shall have complied with the law by making his report and his declaration, may die, the widow and children of such alien shall be considered as citizens, and shall be entitled to all rights and privileges as such, upon taking the oaths prescribed by law.

By the act of January, 1818, Rev. Code 70, it is provided that alien friends, who have made the declaration of intention, may purchase lands and hold the same to them, their heirs and assigns under this statute. The only difficulty arises from a doubt as to the construction to be placed upon the word "heirs."

It is understood as a general rule, that when the alien is allowed by statute to take and hold lands to him and his heirs, he has of course a capacity to transmit to his alien offspring, and they equally a capacity to take.

It is absurd to suppose the Legislature could have intended any other heirs than such as the alien was competent to have.

In other States this question has been often decided. In New York there is a series of decisions, the last of which, *Jackson vs. Adams* 7, *Crudall* 367, is upon a statute similar to that of this state.

The laws of the Union offered the greatest facilities to the naturalization of aliens. By naturalization, foreigners become subject to the same civil burthens to which natural born citizens are subject; by refusing to become naturalized, foreigners are exempt from some of those burthens, as for example, from jury duty in general, by the laws of this State, and from militia duty by the act of Congress.

The committee therefore think that sufficient provision has been made for aliens and their heirs; that whilst aliens are not subject to the same burthens, it is only reasonable that they should not possess the same rights as to property that citizens possess; and that further legislation is unnecessary on the subject under consideration.

The committee recommend the following resolution:

Resolved, That bill No. 2, to enable citizens of the United States to inherit lands of their alien ancestors, lying in this State, be indefinitely postponed.

On motion,

The House concurred in said report.

Mr. Judah from the Judiciary committee also reported:

That the committee on the Judiciary have had under their consideration the resolution which directs an inquiry as to the expediency of establishing an uniform mode of doing county business, and recommend the adoption of the following resolution:

Resolved, That it is expedient to adopt an uniform mode of doing county business by Boards of Commissioners in each county, according to the provision of the act of January 19th, 1831; and that a special committee be appointed to prepare a bill accordingly.

On motion,

The House concurred in said report:

And Messrs. Howell, Lane and Jones are appointed that committee.

Mr. Dowling from the select committee to whom was referred the petition of Ezra M. Jones, reported

A bill No. 23 for the relief of Ezra M. Jones of Vigo county;

Which was read the first time,

When the rule was suspended,

The bill read a second time,

And referred to the committee on the Judiciary.

Mr. Sims, from the select committee on that subject, reported
A bill No. 24, to incorporate the Morgan county Seminary;
Which was read the first time,
And passed to a second reading on to-morrow.

Mr. Henley, from the select committee on that subject, reported
A bill No. 25, to incorporate the town of New Washington in Clark
county, Indiana,
Which was read the first time,
The rule dispensed with,
Read a second time,
And referred to the committee on Corporations.

Mr. Burns having obtained leave, introduced
A bill No. 26, for the relief of John B. McDonel,
Which was read the first time,
And passed to a second reading on to-morrow.

Mr. Perine having obtained leave, introduced
A bill No. 27, to authorize the Commissioners of Kosciusko county, to
recover a certain amount of the 3 per cent. fund heretofore appropriated
to that county;

Which was twice read and referred to the Judiciary committee.

Mr. Vandever having obtained leave, introduced
A bill No. 28, on the subject of the appropriation of the three per cent.
fund heretofore appropriated to Orange county;
Which was read the first time,
And passed to a second reading on to-morrow.

The House then resumed the consideration of the resolution, and
amendment pending, when the House adjourned on yesterday.

Mr. Bryce withdrew his motion to lay said resolution and pending
amendment upon the table.

When Mr. Stapp withdrew the proposed amendment.

Mr. Bryce then renewed the motion that the resolution offered by the
gentlemen from Wayne, Mr. Williams, be laid upon the table,

And the ayes and noes being requested thereon by Messrs. Henley
and Glenn.

Those who voted in the affirmative, were

Messrs. Berry, Boyd, Bryce, Carleton, Chamberlin, Cox, Crume, Cun-
ningham, Davis, Dowling, Eldridge, Gaddis, Garrigus, Graham, Hamel,
Haymond, Helmer, Henricks, Hood, Huston, Jones, Judah, Lane, Lee,
Macy, McClure, Miller, Monroe, Morrison, Murphey, Noble, Pabody,
Proffit, Pucket, Ristine, Robbins, Sims, Smyth of C., Stapp, Tannehill,
Thompson of A., Thompson of F., Vance, Vandever, Whitman, Wil-
liams of L., Williams of R., Wines of G. & W., Wines of V., Wyman
and Mr. Speaker—51

Those who voted in the negative, were

Messrs. Arnold, Bennet, Blair, Boon, Brown, Burns, Carr, Champer, Cotton of P., Cotton of S., Ferguson, Ferris, Glenn, Gregory, Haddon, Hanna, Hawkins, Herriman, Henley, Hocker, Howell, Hubbard, Huff, Hurst, Jackson, Kenton, Leviston, Major Matlock, McCrillus, Milroy, Nickel, Noel, Osborn, Owen, Peaslee, Perine, Porter, Reeve, Roe, Shook, Smith of W., Walpole, Watson, Williams of W., Wilson and Zenor—47.

On motion of Mr. Berry,

Resolved, That the committee on Education be instructed to enquire into the expediency of conferring all the privileges and powers of a State University, on the Indiana College, thereby carrying out the provisions of the 2nd section of the 9th article of the Constitution; and placing it upon the elevated and respectable standing, which the interest of the State requires.

Mr. Chamberlin offered the following resolution,

Resolved, That the committee on Militia Affairs, be instructed to enquire into the expediency, of so re-organizing the Militia System of the State of Indiana, as that the company, battalion and regimental musters, now required, and also officer drills, and military courts of assessments, and appeal be abolished.

And that all persons now required to do military duty, between the ages of 18 and 45 years, be required to labor on the public roads and highways, two days in each year in lieu of the military duty now required: and that all such persons, be required to report themselves annually to some officer, for that purpose to be appointed in such county.

Which officers shall keep an accurate enrollment of all persons liable to military duty, and report the same annually to the Adjutant General of the State; *Provided, however*, That all persons in each county desirous of forming themselves into independant uniformed companies of riflemen, light infantry, cavalry and artillery, shall be permitted so to do, under such regulations as may be necessary, for the efficient organization of such Military corps; and all persons so performing duty, shall be exempt from additional labor on the roads,

Which resolution was not adopted.

Mr. Hamell moved the following resolution,

Resolved, That this House will (the Senate concurring therein,) proceed to the election of prosecuting attorney for the 7th Judicial Circuit, at two o'clock P. M. this day.

On motion of Mr. Dowling,

Said resolution was laid upon the table.

On motion of Mr. Lane,

Resolved, That the committee on Military Affairs be instructed to enquire into the expediency of repealing an act on the subject of appropriating militia fines, entitled an act for the encouragement of education, approved Feb'y. 2, 1833.

On motion of Mr. Thompson of A.,

Resolved, That the committee on the State Bank be instructed to enquire into the expediency of providing for an advance by the State Bank of Indiana of the fourth instalment, of the surplus revenue accruing to this State from the United States, on such terms as may be safe to the Bank; and as may render the interest arising thereon; to be applicable to the payment of interest on the loans of the State for Internal Improvement.

On motion of Mr. Burns,

Resolved, That the committee on education enquire into the expediency of so amending the school law as to allow County Treasurers to hold the office of School Commissioner.

On motion of Mr. Milroy,

Resolved, That the bill of last session, on the subject of the militia, which passed the Senate and failed in the House for the want of a quorum at the close of the session, be taken from the files of the House and referred to the Committee on Military Affairs.

On motion of Mr. Proffit,

Resolved, That the committee on Canals and Internal Improvement be instructed to enquire into the expediency of creating a sinking fund, the interest whereof to be applied towards the payment of the interest on the loans made for purposes of Internal Improvement; with leave to report by bill or otherwise.

Mr. McClure offered the following resolution,

Resolved, That the Judiciary Committee be instructed to enquire into expediency, of so amending the law regulating the stays on executions as to allow any person or persons against whom any judgment may be obtained if specie be demanded, a stay of execution thereon of sixty days if the sum for which such judgment may have been rendered shall not exceed six dollars; and a stay of execution of one hundred and twenty days if such sum exceed the sum of \$6 and does not exceed the sum of \$12; and a stay of execution of 180 days if such sum exceed \$12 and does not exceed \$20; and a stay of execution of 250 days if such sum exceed \$20 and does not exceed \$40; and a stay of execution 300 days if such sum exceed \$40 and does not exceed \$100; and a stay of execution of 360 days if such sum exceed \$100, with leave to report by bill or otherwise.

Mr. Morrison moved to amend by inserting until the banks resume specie payment.

And before any decision was had thereon the time allotted to the discussions of resolutions expired.

And then the House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

On motion of Mr. Graham,

The House resolved itself into a committee of the whole on the Governor's Message.

Mr. Crume in the Chair.

And after some time spent therein,

The Speaker resumed the Chair,

And Mr. Crume reported,

That the committee of the whole have according to order, had under consideration the Message of His Excellency the Governor; have adopted several resolutions in reference thereto; in which the concurrence of the House was requested.

1st. *Resolved*, That so much of the Governor's Message as relates to the classification of the works of Internal Improvement, be referred to the committee on Canals and Internal Improvements.

2. *Resolved*, That so much of the Governor's Message as relates to Fund Commissioners, be referred to the joint committee on the Canal Fund.

3. *Resolved*, That so much of the Governor's Message as relates to the Tippecanoe Battle Ground be referred to the committee of Ways and Means.

4. *Resolved*, That so much of the Governor's Message as relates to the forfeiture of the charter of the State Bank, be referred to the committee on the Judiciary.

5. *Resolved*, That so much of the Governor's Message as relates to the communication of His Excellency the Governor of Kentucky, on the subject of slavery, be referred to the committee on the Judiciary.

6. *Resolved*, That so much of the Governor's Message as relates to a Geological Survey of the State, be referred to the committee on Education.

7. *Resolved* That so much of the Governor's Message as relates to Internal Improvement, be referred to the committee on that subject.

8. *Resolved*, That so much of the Governor's Message as relates to the Lawrenceburgh and Indianapolis Rail Road, be referred to the committee on Canals and Internal Improvement.

9. *Resolved*, That so much of the Governor's message as relates to the 3 per cent. fund be referred the committee of Ways and Means.

10. *Resolved*, That so much of the Governor's message as relates to the creation of an additional Judicial Circuit; be referred to the committee on the judiciary.

11. *Resolved*, That so much of the Governor's message as relates to Circuit Courts be referred to the committee on the judiciary.

12. *Resolved*, That so much of the Governor's Message as relates to the insecurity of the archives of the State Department, be referred to the committee on public buildings.

13. *Resolved*, That so much of the Governor's Message as relates to the revision of the statute laws, be referred to the committee on the judiciary.

14. *Resolved*, That so much of the Governor's Message as relates to the escheats, and the rights of the State in relation thereto, be referred to the judiciary committee.

15. *Resolved*, That so much of the Governor's Message as relates to the extension of the franking privilege, be referred to the committee of Ways and Means.

16. *Resolved*, That so much of the Governor's Message as relates to the operations of the State Board of Internal Improvement during the past year, be referred to the committee on Canals and Internal Improvement.

17. *Resolved*, That so much of the Governor's Message as relates to the State Bank (except so much as relates to the forfeiture of the charter of said bank) be referred to the committee on the State Bank.

18. *Resolved*, That so much of the Governor's Message as relates to mal-feasance in office of certain Public Officers, be referred to a select committee.

19. *Resolved*, That so much of the Governor's Message as relates to Probate Courts, be referred to the judiciary committee.

20. *Resolved*, That so much of the Governor's Message as relates to the law providing for the appointment of Pilots at the Falls of the Ohio be referred to a select committee.

21. *Resolved*, That so much of the Governor's Message as relates to the finances, of the State be referred to the committee of Ways and Means.

22. *Resolved*, That so much of the Governor's Message as relates to the purchase of J. H. Colton's Maps of the State of Indiana, for the purpose of distribution among the several States, be referred to the committee on the State Library.

23. *Resolved*, That so much of the Governor's Message as relates to the Michigan Road, be referred to the committee on Canals and Internal Improvement.

24. *Resolved*, That so much of the Governor's Message as relates to Public Buildings, be referred to the committee on Public Buildings.

25. *Resolved*, That so much of the Governor's Message as relates to the Agricultural interest of the State, be referred to the committee on Agricultural.

26. *Resolved*, That so much of the Governor's Message as relates to bestowing on the State College, at Bloomington, the character and endowments of a university be referred to the committee on Education.

27. *Resolved*, That so much of the Governor's Message as relates to the State Prison, be referred to the committee on the State Prison.

28. *Resolved*, That so much of the Governor's Message as relates to the defective mode of assessing the revenue, be referred to the committee of Ways and Means.

On motion the House concurred generally in the resolutions reported from the committee.

On resolution No. 18, the Speaker appointed the following committee, Messrs. Vandever, Huff and Noel.

And on No. 20, Messrs. Glenn, Whitman, Henley, Wilson and Huston.

On motion of Mr. Vandever,

Resolved, That the committee on Canals and Internal Improvement enquire into the expediency of so amending the 43rd section of the act to provide for a general system of Internal Improvement, approved January 27, 1836, as to authorize engineers and members of the Board of Internal Improvement to purchase and hold real estate, where the public works are permanently located and put under contract, with leave to report by bill or otherwise.

On motion of Mr. Osborn,

The rule was suspended, and bill No. 11, for the relief of Jonathan Parks, was read the second time.

And on motion of Mr. Crume,

Referred to the Committee of Canals and Internal Improvements.
And the House adjourned until to-morrow morning 9 o'clock.

THURSDAY MORNING, Dec. 14th, 1837.

The House met pursuant to adjournment.

On motion of Mr. Milroy,

Resolved, The Senate concurring, that the joint rules for the government of the two Houses be amended, so that the joint committee on the canal fund, be not restricted as to numbers; but shall consist of such number of members of each House as may be appointed.

Ordered, That the clerk inform the Senate, and ask their concurrence therein.

Mr. Dowling gave notice, that on to-morrow he will move to amend the 11th joint rule of both Houses of the General Assembly, so as to increase the number of members on the Committee on the State Library.

Mr. Macy presented the petition of John Hart and others, for the change of the name of Middletown to that of Ogden.

Which,

Was read and referred to a select committee of Messrs. Macy, Murphy and Williams of W.

Mr. Carr. presented the petition of J. A. Weddell and others, for a county road to be declared a State road as therein named.

Which,

Was read and referred to a select committee of Messrs. Carr, Lee and Pabody.

Mr. Thompson of A. presented the petition of M. W. Hubbele and others, on the subject of leasing water power for a saw mill in Allen county,

Which,

Was read, and referred to the committee on Canals and Internal Improvements.

Mr. Graham, from the Committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The joint committee on Enrolled Bills did this day compare the enrolled with the engrossed bills of the Senate of the following titles, to wit:

No. 5, "an act making appropriation of part of the three per cent. fund in Lawrence county."

No. 8, "an act to appropriate a part of the three per cent. fund in Fountain county," and find the same truly enrolled.

Mr. Berry presented the petition of Thomas Lucas and others, of Monroe county, for an appropriation of part of the three per cent. fund for a certain road in said county;

Which was read and referred to the committee on Roads.

Mr. Hamel presented the petition of Luman A. Fowler, asking certain relief;

Which was read and referred to a select committee of Messrs. Hamel, McClure and Henricks.

Mr. Huston, from the select committee on that subject, reported
A bill No. 29, authorizing the sale of a certain school house and lot in the county of Washington.

Mr. Cunningham, from the select committee on that subject, reported
A bill No. 30, for the formation of the 10th Judicial Circuit.

Mr. Macy, from the committee on that subject, reported
A bill No. 31, to change the name of the town of Middletown to that of Ogden;

Which bills were severally read the first time and passed to a second reading on to-morrow.

The House then resumed the consideration of the resolution offered by Mr. McClure, for the extension of stays on execution,

When

On motion of Mr. Stapp,

Said resolution was laid upon the table.

On motion of Mr. Huff,

Resolved, That the Judiciary committee be instructed to inquire what changes, if any, are necessary in the terms and times of holding courts in the first Judicial Circuit.

Mr. Cotton of S. offered the following resolution:

Resolved, That the Board of Internal Improvement be requested to lay before this House the report of John S. Williams, Engineer, made to the Board on the 9th inst.; and also, that the said Engineer be requested to lay before this House, that part of his report that was rejected by said Board.

On motion of Mr. Lane,

Said resolution was amended by adding, "and that the Board state to this House their reasons for rejecting said part of said report."

When said resolution as amended was adopted.

On motion of Mr. Glenn,

Resolved, That the committee on Education be instructed to inquire into the expediency of establishing at the Seat of Government, an asylum for the education of the deaf and dumb, to be under the patronage of the State, with leave to report by bill or otherwise.

On motion of Mr. Ferguson,

Resolved, That the President of the State Bank communicate forthwith to this House, a full and complete list of the stockholders in said Bank, whose stock was paid out by the State, and show in such statement the names, the amount of stock held by each, the amount thereon paid by the State; describe the property by each mortgaged, whether land or lots, and the value.

On motion of Mr. Shook,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the present Probate law as to require of guardians to file annually in the proper clerks office, an attested inventory of the amount of money and other property that may be in their possession by virtue of their respective trusts.

On motion of Mr. Wilson,

Resolved, That the committee on Education be instructed to inquire into the expediency of so amending the school law, as to fix the compensation of the School Commissioners at a certain per centum on the amount of monies received and disbursed by them respectively.

On motion of Mr. Carleton,

Resolved, That the Judiciary committee be instructed to inquire into the expediency of so amending section 4 of an act subjecting real and personal estate to execution, approved Feb. 4, 1831, as taken in connexion with an act to amend an act entitled an act to subject real and personal estate to execution, approved Feb. 1, 1834, as to define more clearly the full extent of the value of property as thereby intended to be exempted from execution, with leave to report by bill or otherwise.

On motion of Mr. Noel,

Resolved, That the committee on Military Affairs be instructed to inquire into the expediency of either abolishing all militia services in this State in time of peace, beyond what is absolutely necessary to keep the militia organized; or the adoption of a more efficient system than now exists, with leave to report by bill or otherwise.

On motion of Mr. Smith of W.,

Resolved, That the committee on Education be instructed to inquire into the expediency of amending the School Law so far as regards the time of holding elections for township trustees, with leave to report by bill or otherwise.

On motion of Mr. Henricks,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of providing by law, for the admission of books where a regular day book and ledger are kept, as testimony in courts of justice, with leave to report by bill or otherwise.

On motion of Mr. Lane,

Resolved. That the committee on the Judiciary be instructed to inquire into the expediency of so amending the law on the subject of recording mortgages in this State, as that no mortgage shall be considered valid or binding upon any person until the mortgage shall have been received for records in the proper office.

On motion of Mr. Howell,

Resolved, That the committee on the Judiciary be requested to inquire into the expediency of providing by law, that justices of the peace be commissioned for the townships or town in which they were respectively elected, with leave to report by bill or otherwise.

Mr. Arnold offered the following resolution:

Resolved, That in the opinion of this House, ample provision is made in our statutes, for obtaining divorces; that it is a matter entirely belonging to the courts of justice; and that therefore no legislation ought to be had on petitions praying for divorces.

On motion of Mr. Bryce,

Said resolution was laid upon the table.

On motion of Mr. Walpole,

Resolved, That the Judiciary committee be instructed to inquire what amendments, if any, are necessary to an act approved Jan. 29, 1831, entitled, "An act to regulate, descents, distribution and dower," with leave to report by bill or otherwise.

On motion of Mr. Burns,

Resolved, That the Judiciary committee inquire into the expediency of enacting a law authorizing parties to actions before a justice of the peace, to file their bills of exception, and allowing writs of error before justices of the peace, and authorizing the circuit courts to decide upon such bills of exceptions and writs of error as courts of error.

On motion of Mr. Morrison,

Resolved, That the Agent of State for the town of Indianapolis, be di-

rected to lay before this House a report of the Indianapolis fund, showing what amount of money, if any, is owing, or may hereafter become due from purchasers of public property; and also, what lots and lands remain unsold, and what public lots are reserved from sale, and for what purposes such reservations have been made.

On motion of Mr. Chamberlain,

Resolved, That the committee on the Judiciary inquire into the expediency of authorizing probate courts to compel guardians to make to said courts annual reports of their doings as such guardians, and of the disposal made by them, of property belonging to their wards; and authorizing said courts to appoint persons to examine as to the commission of waste, by guardians on the property of their wards.

On motion of Mr. Whitman,

Resolved, That the committee on the Judiciary, be instructed to enquire into the expediency of so amending an act passed in 1836, allowing the county of Floyd in the second judicial circuit, an additional term; that grand and petit jurors for said term be summoned as at other terms.

On motion of Mr. Neel,

Resolved, That the acting commissioner and engineer on each of the public works be instructed to report to this House at as early a period as practicable, what number of assistants, servants and other hands (except contractors and their hands) have been employed on each line the past year; the amount of each one's pay, and the particular service which he rendered.

On motion of Mr. Milroy,

Resolved, That the committee on canals and internal improvements be instructed to enquire into the expediency of authorizing the acting commissioner on the different canals, to contract with individuals who may have water works or sites for the same injured by the construction of such canals to allow an equivalent in water power for such damage when the same can be done without injury to the public works.

On motion of Mr. Champer,

Resolved, That the Board of Internal Improvement be requested to inform this House what lettings (if any) have been made on the Jeffersonville and Crawfordsville Rail or McAdamized Road north of Bloomington, in Monroe county, and if any such letting has been made, whether the commissioner on said line was authorized by the said Board, and if so, to lay before this House that authority.

Mr. Thompson of A. offered the following resolution:

Resolved, That the committee of Ways and Means be instructed to enquire into the expediency of changing the mode of assessing real estate so that the same shall hereafter be assessed by a State board of assessors, to be chosen by joint ballot of the General Assembly, which assessment when made, to remain unchanged for a term of five years.

Which was not adopted.

On motion of Mr. Whitman,

Resolved, That a select committee be appointed to enquire into the expediency of repealing a part or the whole of an act, passed the 21st of January, 1837, entitled an act to prevent disasters on steamboats.

On motion of Mr. Vandever,

Resolved, That the committee on the Judiciary be instructed to enquire into the expediency of re-organizing the times of holding the circuit courts in the 2nd judicial circuit so as to allow two week's session in the county of Orange, and such other counties as in justice may require the same, with leave to report by bill or otherwise.

Mr. Crume introduced a bill, No. 32, to legalize the acts of the Fayette county Bridge Company.

Mr. Hamel introduced a bill, No. 33, to appropriate part of the three per cent. fund in the county therein named.

Mr. Vandever introduced a bill, No. 34, for the relief of Joseph Wells.

Mr. Cox introduced a bill, No. 35, relative to the Vincennes University.

Mr. Osborne introduced a bill, No. 36, to amend an act, entitled "an act regulating the jurisdiction and duties of justices of the peace, approved February 3, 1833.

Mr. Hamel introduced a bill, No. 37, to amend the 16th section of "an act relating to state roads, approved February 6, 1837.

Which were severally read the first time and passed to a second reading to-morrow.

Mr. Morrison introduced a bill No. 38, to incorporate the Indianapolis Fire Company;

Which was read twice, the rule having been dispensed with, and referred to the committee on Corporations.

Mr. Miller introduced a bill No. 39, to incorporate the town of Princeton.

Mr. McClure introduced a bill No. 40, providing for holding circuit courts in the 9th Judicial Circuit.

Mr. Marshall introduced a bill No. 41, to amend an act, entitled "an act, regulating the practice in suits at law," approved Jan. 29, 1831.

Which were severally read the first time and passed to a second reading on to-morrow.

Mr. Smyth of C., introduced a bill No. 42, to repeal an act entitled "an act for opening and repairing public roads and highways in the county of Clay," approved February 2, 1837.

Which was twice read, the rule having been dispensed with, and ordered to a third reading on to-morrow.

Mr. Walpole introduced a bill, No. 43, to amend an act, entitled "an act to organize circuit courts and defining their powers and duties," approved January 24, 1835.

Which was read the first time, and passed to a second reading on to-morrow.

The orders of the day were then taken up.

Bill No. 3, to amend the act incorporating the Aurora and Napoleon Turnpike Company, and to legalize the proceedings of the board of directors of said company;

Was read the second time and referred to the committee on Corporations.

Bill of the House No. 4, to revive an act approved February 4, 1837;

Was read the second time and referred to the committee on Roads.

The Joint Resolution of the House, No. 5, on the subject of the annexation of Texas to the United States;

Was read the second time;

When Mr. Crume moved to refer said resolution to the committee on the Judiciary.

Mr. Judah moved to amend said proposition, so as to commit said resolution to a committee of the Whole House, and make it the order of the day for Saturday week next.

And the ayes and noes being demanded thereon by Messrs. Proffit and Bennet,

Those who voted in the affirmative were:

Messrs. Berry, Blair, Boyd, Bryce, Carr, Chamberlain, Cotton of S., Cox, Crume, Cunningham, Eldridge, Ferguson, Gaddis, Garrigus, Graham, Herriman, Helmer, Howell, Hurst, Huston, Jones, Judah, Lane, Lee, Leviston, Major, Marshall, Matlock, Miller, Milroy, Monroe, Nickel, Noble, Noel, Osborn, Pabody, Peaslee, Perine, Reeve, Ristine, Robbins, Roe, Shook, Smith of W., Smydth of C., Tannehill, Thompson of F., Vance, Vandever, Walpole, Whitman, Williams of L. and Wyman
—53.

Those who voted in the negative were,

Messrs. Arnold, Bennet, Boon, Brown, Burns, Carleton, Champer, Cotton of P., Davis, Dowling, Ferris, Glenn, Gregory, Haddon, Hamel, Hanna, Haymond, Henley, Henricks, Hocker, Hood, Hubbard, Huff, Jackson, Kenton, Macy, McClure, McCrillus, Morrison, Murphy, Owen, Porter, Proffit, Sims, Stapp, Thompson of A., Watson, Williams of R.;

Williams of W., Wilson, Wines of G. & W., Wines of V., Zenor and Mr. Speaker—43.

So said resolution was committed to a committee of the Whole House and made the order of the day for Saturday week.

And the House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

The bill of the House, No. 6, to locate a State Road from Warsaw to Montezuma;

Was read the second time and referred to the same Select Committee from which it was reported.

Bill of the House No. 7, to amend an act to appropriate the 3 per cent. fund in certain counties therein named;

Was read the second time, the rule dispensed with, the bill read the third time and passed.

The bill of the House No. 8, explanatory of the act to provide for a lock in the pool dam near Delphi;

Was read a second time, and referred to a select committee of Messrs Eldridge, Thompson of A. and Hood.

The bill of the House No. 9, to legalize the election of Seminary Trustees in Hancock county;

Was read a second time and ordered to a third reading on to-morrow.

Bill of the House No. 10, for the sale of certain school lands belonging to the Vincennes Reserved Tract;

Was read the second time and referred to a select committee of Messrs. Judah, Cox, Davis, Proffit, Haddon, Brown and Miller.

Bill of the House No. 12, to vacate part of Solomon Romig's addition to the town of Lafayette;

Was read a second time and ordered to a third reading on to-morrow.

Bill of the House No. 13, to continue the Logansport State Road from Goshen, in Elkhart county, via Bristol to the State line;

Was read the second time and referred to the committee on Roads.

A Joint Resolution No. 15, of the General Assembly on the subject of postage;

Was read the second time;

When Mr. Glenn moved that said Joint Resolution be indefinitely postponed.

Mr. Macy moved that said resolution be laid upon the table;

Which was decided in the negative;

And the question then recurring on the the motion to postpone indefinitely;

And the ayes and noes being requested thereon by Messrs. Glenn and Crume;

Those who voted in the affirmative were:

Messrs. Arnold, Bennett, Boon, Bryce, Carleton, Carr, Chamberlain, Cotton of S., Cox, Crume, Cunningham, Ferguson, Ferris, Gaddis, Garigus, Glenn, Graham, Hawkins, Herriman, Helmer, Henricks, Hocker, Hood, Hubbard, Jackson, Jones, Judah, Lane, Leviston, Macy, Matlock, McClure, Miller, Milroy, Murphy, Noble, Noel, Pabody, Perine, Reeve, Ristine, Robbins, Sims, Smith of W., Stapp, Tannehill, Thompson of A., Thompson of F., Walpole, Watson, Williams of R. and Williams of W.
—51.

Those who voted in the negative, were

Messrs. Berry, Blair, Boyd, Brown, Burns, Cotton of P., Davis, Dowling, Eldridge, Gregory, Haddon, Hanna, Hamel, Haymond, Henley, Howell, Huff, Hurst, Huston, Kenton, Lee, Major, McCrillus, Monroe, Morrison, Nickel, Osborn, Owen, Peaslee, Porter, Proffit, Shook, Smydth of C., Vance, Vandever, Whitman, Williams of L., Wilson, Wines of G. and W., Wines of V., Wyman, Zenor and Mr. Speaker—43.

So said joint resolution was indefinitely postponed.

Mr. Graham from the committee on Enrolled Bills made the following report:

MR. SPEAKER:

The joint committee on Enrolled Bills did this day compare the enrolled with the engrossed memorial and joint resolution of the House, entitled "A memorial and joint resolution relative to the Wabash and Erie Canal," numbered 14, and find the same truly enrolled.

Thereupon the Speaker signed the same.

Ordered, That the clerk carry it to the Senate for the signature of their President.

The following message was received from the Senate by Mr. Ewing, a member:

MR. SPEAKER:

I am instructed by the Senate to inform the House of Representatives that the Senate have passed an engrossed bill of the Senate, entitled "No.

11, an act to legalize the acts of Anthony F. Smith, as Assessor of Fulton county, for the year 1837;

In which the concurrence of the House is respectfully requested.

Bill No. 11, accompanying the message of the Senate, was read three times, the rule having been dispensed with,

And passed.

Ordered, That the clerk inform the Senate thereof.

The following message was received from the Senate by Mr. Test, their Secretary:

MR. SPEAKER:

I am instructed by the Senate to inform the House of Representatives that the Senate have passed an engrossed bill of the Senate entitled "No. 13, an act authorizing a change of venue in certain cases therein named;

To which the concurrence of the House is respectfully requested.

The Senate have concurred in the amendment of the House to the bill of the Senate, entitled "No. 8, an act to appropriate part of the 3 per cent. fund in Fountain county.

The bill from the Senate No. 13, authorizing a change of venue in certain cases therein named;

Was read the first and second time and ordered to a third reading to-morrow.

Bill of the House No. 16, to repeal an act entitled "an act to prohibit the circulation of Bank notes of a less denomination than five dollars," approved 2d Feb. 1832;

Was read the second time, when

Mr. Proffit moved said bill be indefinitely postponed;

And the ayes and noes were requested thereon by Messrs. Proffit and Vandever;

And before the question was had thereon;

The House adjourned until to-morrow morning 9 o'clock.

FRIDAY MORNING, DECEMBER 15, 1837.

The House met pursuant to adjournment.

Mr. Glenn presented the petition of sundry citizens of Dearborn county for a Review on the State road from the mouth of Hogan to the Lawrenceburgh and Indianapolis State road;

Which, without reading, was referred to the same select committee to which other petitions on that subject were referred.

Mr. Owen presented the petition of Joseph Cruse and others, for an amendment to the act incorporating a County Seminary in Posey county;

Which was read and referred to a select committee of Messrs. Owen Miller and Jones.

Mr. McClure presented the petition of John Rhinehart, jr. and others for privilege to be granted to John Walker to use the water of a chain of Lakes near Laporte for mill purposes and of lowering the water in said Lakes, if necessary;

Which was read and referred to a select committee of Messrs. McClure, Henrick and Chamberlain.

Mr. Howell presented the petition of Obedent Baird and others, for the passage of a law authorizing the sale of certain school land in Spencer county;

Which was read and referred to the committee on Education.

Mr. Hawkins presented sundry depositions relative to the petition and claim of John Bennet for relief;

Which were read and referred to the committee on the Judiciary.

Mr. Judah from the committee on the Judiciary, to whom a bill of the House, No. 23, for the relief of Ezra M. Jones was referred, reported the same back to the House with an amendment;

Which was concurred in by the House.

When said bill was read the third time and passed.

Mr. Proffit from the committee on Corporations, reported bill No. 25, to incorporate the town of New Washington in Clark county, Indiana, without amendment;

Which was read a third time,

And passed.

Ordered, That the clerk inform the Senate of the passage of said bills and ask their concurrence therein.

Mr. Wines of G. and W. from the committee on Corporations to whom was referred the petition of William B. Caldwell and others, reported a bill, No. 44, to incorporate the Lago and Wabash Bridge Company.

Mr. Cotton of P. from the select committee on that subject, reported a bill No. 45, to locate a state road from Pauli, in Orange county, to Troy, in Perry county.

Mr. Vandever from the select committee on that subject reported, A Bill No. 46, to relocate certain State roads in Orange county.

Mr. Hamel from the select committee on that subject reported,

A Bill No. 47, relating to the collector of the state and county revenue.

Mr. Smydth of C., from the select committee on that subject reported,

A Bill No. 48, to repeal an act relative to the jurisdiction of justices of the peace in Clay county.

Which Bills were severally read the first time and passed to a second reading on to-morrow.

On motion of Mr. Watson,

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of making provision by law, to secure a reasonable compensation to those who may have heretofore been damaged, by the taking of timber, stone or other materials, from their lands, for the use of the State in constructing the public works.

On motion of Mr. Hurst,

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of repealing so much of the 29th section of the act regulating the practice in suits at law, as requires a cause continued, for cause shewn by a party to be so continued, "at the cost of the applicant," so as to leave the costs of such continuance to be adjudged in the discretion of the court.

Resolved further, That said committee enquire into the expediency of subjecting complainants and defendants in bastardy cases and in cases for the surety of the peace and good behavior to judgment or order for the payment of costs as in other civil cases.

Resolved further, That said committee enquire into the expediency of vesting the circuit courts with power in all cases of conviction for breach of the peace or misdemeanor, to require the convict to give reasonable security for his good behavior to the ensuing term and so from term to term as may seem proper.

Resolved, That the judiciary committee be and they are hereby instructed to revise the law regulating the practice in suits of law and chancery in this state.

On motion of Mr. Burns,

Resolved, That the committee on education enquire into the expediency of so amending the 3rd section of the 18th article of an act, entitled "an act incorporating congressional townships and providing for public schools therein, approved February 6th, 1837, as to allow the Boards doing county business in the several counties, so make such allowances to the school commissioners over and above their specific fees, as to them shall seem just and reasonable.

On motion of Mr. Whitman,

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of repealing the law requiring witnesses in civil cases in circuit courts to claim their fees during the sitting of the term they are subpoenaed for; and the substitution of a law giving them the right of claiming their fees before the clerk, in vacation.

On motion of Mr. Chamberlain,

Resolved, That the committee on the State Bank be instructed to ascertain what amount of the paper of the banks of other States, under the denomination of five dollars said bank has procured by purchase or otherwise, since the commencement of operations under her charter; from what foreign banks such bills have been procured; and the amount procured from each; what amount of such bills have been paid for with specie, and what amount with the notes of said Bank; and at what discount, if any, such foreign bank notes have been procured; and what amount of such bank notes, said bank now has on hand; and that said committee have power to send for persons and papers.

On motion of Mr. Shook,

Resolved, That the committee on education be instructed to enquire into the expediency of so amending the 10th section and 17th chapter of an act incorporating congressional townships, and providing for public schools therein, approved February 6th, 1837, as to compel persons refusing to work on school houses to pay one dollar per day in place of 50 cents as now required, with leave to report by bill or otherwise.

On motion of Mr. Cotton of S.,

Resolved, That the committee on education be instructed to enquire into the expediency of so amending the law regulating congressional townships as to include those who live in fractions.

On motion of Mr. Dowling,

Resolved, That the use of this Hall be tendered to David Dale Owen, Esq., on Saturday evening next, and such subsequent evenings as he may desire, to deliver lectures on the science of Geology.

Mr. Bryce offered the following resolution,

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of so amending the execution law, exempting from execution certain property for the use of the family of the execution debtors, not exceeding fifty dollars, as to extend the same in all cases where the execution debtor has a family to one hundred dollars.

Which was not adopted,

On motion of Mr. Dowling,

Resolved, (The Senate concurring.) That the joint rules for the Government of both Houses of this General Assembly, be so amended, that the joint committee on the State Library be not restricted, but shall consist of such number of members as each House may appoint respectively.

On motion of Mr. Williams of L.,

Whereas the school law has been so construed by some, that all persons who do not intend to participate in the school funds, ~~SHALL NOT~~ be taxed for the purpose of building district schools houses; it has been construed by others that all persons ~~SHALL~~ be taxed for such purpose. Therefore,

Resolved, That the committee on education be instructed to enquire into the expediency of amending said school law so as to make the same definite on that subject.

On motion of Mr. Carleton,

Resolved, That the committee on roads be instructed to enquire into the expediency of so far amending, that portion of the road law as relates to calling out hands, to work upon the public highway, as to say, whether it is intended by said law, that after all persons shall have worked the two days, therein required, for their personal privileges, and also the tax upon them severally assessed, only such persons shall be called out to work upon the roads if they should need further repair, as those whom upon a tax is assessed, or whether all persons are alike embraced, with leave to report by bill or otherwise.

On motion of Mr. Whitman,

Resolved, That the judiciary committee be instructed to enquire into the expediency of amending the law relative to crimes and punishment so as to make it an indictable offence for any person or persons to issue promissory notes, checks or drafts as a circulating medium or for the purpose for which bank bills are issued.

Mr. Reeve offered the following resolution,

Resolved, That whereas at the commencement of our Internal Improvement system, our State and its citizens were in the enjoyment of unprecedented prosperity; and the then condition of things was made the basis of our future calculations; and whereas since then external causes have cast a shade over the auspicious prospect, and taught us with an impressive force, the duty of so shaping our policy as to be pre-

pared for every vicissitude that may befall us; and whereas, when we look with a calm foresight to the future in reference to our policy and the financial condition of the State; we cannot but observe that a period will arrive when the means of paying the interest on our increased expenditures will, unless derived in some degree from the income of the public works, multiply the public burthens; and whereas, a foreign war, or any disturbing cause affecting the prosperity of nations and communities, may at such a crisis, by preventing the acquisition of additional loans, arrest the progress of our improvements and that we should then be burthened with the interest on the invested capital, whilst the stationary and unproductive situation of the works would preclude our realizing any return from them; and whereas, sound policy would therefore dictate the expediency of so directing their prosecution as will have a tendency to render some of them soon available in the production of revenue; and whereas, the great disparity in the length of the lines, in their relative cost, and the time requisite to finish them, indicate the evident impolicy of their simultaneous completion; and whereas the comparative shortness of some of them, and their forwardness would justify us in making increased appropriations, with a view of finishing them as soon as practicable:

Be it further resolved, That a committee of two from each congressional district be appointed with instructions to report a bill providing for the concentration of the means of the State on portions of each work, commencing at the most profitable and commercial points, and completing those portions respectively before others are touched; and providing also that as soon as completed they shall be put into use.

Mr. Williams of Rush, proposed the following amendment, which was accepted by the mover of the resolution:

Resolved, That in the prosecution of our public works, economy should be observed in the administration of every department; that lavish and unnecessary expenditures be carefully avoided; that every dollar appropriated by the people be carefully and legitimately applied, and scrupulously accounted for.

On motion of Mr. Proffit,

Said resolution was further amended by adding, "And whereas, the same subject has been proposed for our consideration by Gov. Noble, in his last message, that this resolution be referred to the committee on canals and internal improvements."

Mr. Vandever moved to amend said resolution by striking out so much as makes it imperative, and substituting "that the committee inquire into the expediency."

And the ayes and noes being requested thereon by Messrs. Milroy and Bennett,

Those who voted in the affirmative, were

Messrs. Berry, Boyd, Bryce, Carleton, Chamberlain, Crume, Cunning-

ham, Davis, Dowling, Eldridge, Gaddis, Graham, Hamel, Hanna, Hawkins, Herriman, Haymond, Helmer, Henricks, Hood, Hubbard, Huff, Huston, Jones, Lane, Lee, Marshall, McClure, Miller, Monroe, Morrison, Murphey, Noble, Osborn, Pabody, Proffit, Ristine, Robbins, Sims, Smydth of C., Stapp, Tannchill, Thompson of A., Thompson of F., Vance, Vandever, Watson, Whitman, Williams of L., Williams of W., Wines of G. and W., Wines of V., Wyman and Mr. Speaker.—51.

Those who voted in the negative, were

Messrs. Arnold, Bennett, Blair, Boon, Brown, Burns, Cotton of P., Cotton of S., Cox, Ferguson, Ferris, Garrigus, Glenn, Gregory, Haddon, Henley, Hocker, Howell, Hurst, Jackson, Kenton, Leviston, Major, Matlock, McCrillus, Milroy, Nickel, Noel, Peaslee, Perine, Porter, Reeve, Roe, Shook, Smydth of W., Walpole, Williams of R., Wilson and Zenor—37.

So said amendment was adopted.

Mr. Glenn moved to amend said resolution by adding:

"And be it further resolved, That the following works, commencing at the following commercial points, are deemed to be most advantageous, and the most profitable investments, viz:

The Central Canal from its commencement at Evansville to the first principal feeder.

The New Albany and Vincennes Turnpike to progress immediately as far as Paoli.

The Jeffersonville and Crawfordsville Road to commence at Jeffersonville and progress as far as Bedford, and the White Water Canal from Lawrenceburg to Connersville.

On motion of Mr. Vandever,

Said proposed amendment was amended by striking out "Paoli," and inserting "Vincennes."

Mr. Hubbard moved further to amend said amendment, by striking out "Connersville," and inserting "the National Road."

When

Mr. Henley moved,

That said resolution and pending amendments be laid upon the table;

And the ayes and noes being requested thereon by Messrs. Glenn and Boon,

Those who voted in the affirmative were:

Messrs. Arnold, Berry, Boon, Boyd, Bryce, Burns, Carleton, Chamberlain, Cotton of S., Cox, Crume, Cunningham, Davis, Dowling, Eldridge, Ferris, Gaddis, Graham, Gregory, Hamel, Hanna, Hawkins, Herriman,

Haymond, Helmer, Healey, Henricks, Hocker, Hood, Howell, Hubbard, Huff, Hurst, Huston, Jackson, Jones, Kenton, Lane, Leviston, Major, Marshall, Matlock, McClure, McCrillus, Monroe, Morrison, Murphey, Nickel, Noble, Noel, Osborn, Pabody, Perine, Porter, Proffit, Reeve, Ristine, Robbins, Roe, Sims, Smydth of C., Stapp, Tannehill, Thompson of F., Thompson of A., Vance, Vandever, Watson, Whitman, Williams of L., Williams of R., Williams of W., Wilson, Wines of G. and W., Wines of V., Wyman, Zenor and Mr. Speaker—76.

Those who voted in the negative were:

Messrs. Bennett, Blair, Brown, Carr, Cotton of P. Ferguson, Garrigue, Glenn, Haddon, J. I. J. Levison, Major, Miller, Milroy, Peaslee, Shook, Smith of W. and Walpole—17.

So said resolutions and pending amendments were laid upon the table.

On motion of Mr. Peaslee,

Resolved, That the committee on the Judiciary be instructed to inquire whether the State Bank in refusing and neglecting to suspend the business of the several Branches of the State Bank, for refusing to redeem their notes with specie, has violated or forfeited her charter, and report to this House.

Mr. Peaslee offered the following resolution:

Whereas, the State of Indiana has embarked in a glorious system of Internal Improvement, which will, ere long, become a source of inexhaustible wealth; and whereas, the mere act of locating the works included in the system has so enriched the people in the counties through which the same are located, as to cause them to bear the entire burthen of constructing the public works, and to pay more than their proportion of the ordinary expenses of the State Government; and whereas, all benefits and burthens imposed or conferred by the legislature, should be as equal as possible. Therefore be it

Resolved, That the committee of Ways and Means be directed to report a bill providing that the revenue hereafter to be raised for the ordinary expenses of the State Government be apportioned equally among all the counties of the State in proportion to the number of polls in each, to be levied and collected by the act to provide for an equitable mode of levying the taxes of this State, approved Feb. 4, 1836; and that all taxes necessary to pay the interest on money which has been or may hereafter be expended on the public works, shall be paid by the counties through which said works are located.

Mr. Perine moved to amend said resolution by striking out the preamble.

And before any decision thereon,

On motion of Mr. Stapp,

Said resolution and pending amendment were laid upon the table.

Mr. Whitman offered the following resolution:

Resolved, by the House of Representatives, that the *union* of the friends of our General System of Internal Improvements, like the union of the United States, was formed by a mutual concession of interest; and that to give any one or more works a preference over the rest, in their progress or completion, would endanger the whole.

Mr. Howell moved to amend said resolution by striking out the word 'union and insert "interest,"

Which did not prevail.

Mr. Hurst moved to strike out "union" and insert "Holy Alliance;"

When

Mr. Howell moved that said resolution and pending amendment be laid upon the table.

And before any question was had thereon, the time allotted to the introduction and discussion of resolutions expired.

Mr. Hood introduced a memorial and joint resolution, No. 49, on the subject of pre-emption rights.

Mr. Sims introduced a bill No. 50, regulating the jurisdiction of justices of the peace in Morgan county.

Mr. Hamel introduced a bill No. 51, granting additional time for the collector of the revenue in Porter county.

Mr. Hurst introduced a bill No. 52, to authorize the raising the sum of fifty thousand dollars by lottery, for graduating and paving the river bank and water street, at the town of Jeffersonville, in the county of Clark, and State of Indiana.

Mr. Garrigus introduced a bill No. 53, declaring Big Raccoon, in the counties of Parke and Putnam a public highway.

Mr. Glenn introduced a bill No. 54, to appropriate a portion of the three per cent. fund appropriated in the county of Dearborn, by an act approved Feb. 4, 1837,

Mr. Garrigus introduced a bill No. 55, declaring Sugar Creek in Parke county a public highway.

Mr. Hamel introduced a bill No. 56, to encourage the killing of wolves.

Mr. Walpole introduced a bill No. 57, for opening and repairing public roads and highways in Hancock county.

Mr. Lee introduced a bill No. 58, to amend an act entitled "an act to

appropriate part of the three per cent. fund in Bartholomew county, approved Feb. 3, 1837.

Which were severally read the first time, and passed to a second reading on to-morrow.

And the House adjourned until to-morrow morning 9 o'clock.

SATURDAY MORNING, DECEMBER 16, 1837

The House met pursuant to adjournment.

The Speaker laid before the House a communication from the Treasurer of State in answer to a resolution of the House, heretofore adopted;

Which was read and referred to a select committee of Messrs. Judah Carleton, Dowling, Huff and Noel.

Mr. Miller presented the petition of Robert Ervin and others asking that a county road in Gibson county be declared a State road;

Which without reading was referred to the committee on roads.

Mr. Champer presented the memorial of sundry citizens of Owen county, asking that Spencer should be made a point in the Jeffersonville and Crawfordsville Road;

Which was read and laid upon the table.

The following message was received from the Senate by Mr. Test, their Secretary:

MR. SPEAKER:

I am instructed by the Senate to inform the House of Representatives that the Senate have concurred in the resolution of the House, amending the joint rules for the government of the two Houses, so that the joint committee on the "Canal Fund," be not restricted as to numbers, but shall consist of such number of members of each House as may be appointed, with an amendment by adding the following: "Provided, that said number shall not exceed eight."

To which the concurrence of the House is respectfully requested.

On motion,

The House concurred in said amendment of the Senate.

Ordered. That the clerk inform the Senate thereof.

And thereupon, the Speaker appointed Messrs. Gregory, Morrison, Macy, Wines of G. and W., and Graham as the addition to that committee.

Mr. Lee presented the petition of sundry citizens of the county of Brown, asking to be attached to the county of Bartholomew for representative purposes;

Which was read and referred to a select committee of Messrs. Lee, Tannehill, Carr and Berry.

Mr. Murphy from the committee of Ways and Means made the following report:

MR. SPEAKER:

The committee of Ways and Means, to which was referred a resolution instructing them to inquire into the expediency of repealing so much of the present revenue law as requires a license for the privilege of vending foreign merchandize, except so much as relates to vending spirituous liquors have had the same under consideration, and directed me to report: That is inexpedient to legislate on that subject at this time.

On motion,

The House concurred in the report of the committee.

Mr. Pabody from the committee of Ways and Means, to whom was referred so much of the Governor's Message as relates to the extension of the franking privilege, reported a joint resolution, No. 59, respecting the extension of the franking privilege;

Which was read the first time and passed to a second reading on Monday next.

Mr. Jones from the committee on Education made the following report:

MR. SPEAKER:

The committee on Education to whom was referred the resolution of this House requiring said committee so to enquire into the expediency of so amending the school law as to compensate the School Commissioners for receiving and disbursing the interest on the Surplus Revenue Fund, has had the same under consideration and instructed me to report the following bill:

No. 60, to amend an act entitled "an act to provide for distributing so much of the Surplus Revenue of the United States, as the State of In-

diana is entitled to and receive by virtue of an act of Congress, approved 23d June, 1836;

Which was read the first time and passed to a second reading on Monday next.

Mr. Jones from the same committee made the following report:

MR. SPEAKER:

The committee on Education to whom was referred a resolution of this House, instructing said committee "to report to this House, if deemed expedient, a bill to provide for ascertaining the number of taxable polls in each township, amendatory to the 13th section of an act to provide for the distribution of the Surplus Revenue in the State of Indiana, approved Feb. 6th, 1837," have had the same under consideration and instructed me to report that no further legislation upon the subject of said resolution is requisite or expedient.

Which report was concurred in by the House.

Mr. Jones from the same committee further reported:

That the committee on Education to whom was referred a resolution of this House requiring said committee to "enquire into the expediency of so amending the school law as to allow County Treasurers to hold the office of School Commissioner," have had the same under consideration and instructed me to report that it is inexpedient to legislate upon that subject.

On motion,

The House concurred in said report.

Mr. Chamberlain from the committee on Claims to whom was referred the petition of Henry Matthews, for certain relief, reported a bill No. 61, for the relief of Henry Matthews;

Which was read the first time and passed to a second reading on Monday next.

Mr. Stapp made the following report:

MR. SPEAKER:

The committee on Canals and Internal Improvements to which was referred a bill No. 11, for the relief of Jonathan Parks and a resolution to enquire into the expediency of erecting bridges over all canals where the same crosses public roads;

And a resolution referring to your committee so much of the Governor's Message as relates to classifying the public works;

Have had those several subjects under their consideration, and have

directed me to report the above mentioned bill to the House without amendment, and that it is inexpedient to legislate on the subject matter contained in the above named resolutions.

The bill accompanying said report, No. 11, for the relief of Jonathan Parks, was ordered to be engrossed for a third reading on Monday next.

On motion,

The House concurred in that branch of the report on the subject of erecting bridges over all canals.

And on the question,

Will the House concur in that branch of the report, which says it is inexpedient to legislate on the subject of classifying the public works.

The ayes and noes were demanded by Messrs. Glenn and Burns.

Those who voted in the affirmative were:

Messrs. Berry, Boyd, Bryce, Carleton, Chamberlain, Crume, Cunningham, Davis, Dowling, Eldridge, Gadsis, Graham, Hamel, Hanna, Herriman, Haymond, Helmer, Henricks, Hubbard, Huff, Huston, Hood, Jones, Judah, Lane Lee, Macy, Marshall, McClure, Monroe, Morrison, Murphey, Noble, Pabody, Proffit, Ristine, Robbins, Sims, Smydth of C., Stapp, Tanschill, Thompson of A., Thompson of F., Vandever, Watson, Whitman, Williams of L. Wines of G. and W. Wines of V., Wyman and Mr. Speaker—51

Those who voted in the negative were,

Messrs. Arnold, Bennett, Blair, Boon, Brown, Burns, Carr, Champer, Cotton of P., Cotton of S., Cox, Ferguson, Ferris, Garrigus, Glenn, Gregory, Haddon, Henley, Hocker, Hurst, Jackson, Kenton, Leviston, Major, McCrillus, Miller, Milroy, Nickel, Noel, Osborn, Owen, Peaslee, Perine, Porter, Reeve, Roe, Shook, Smith of W., Walpole, Williams of R., Williams of R., Wilson and Zenor—13.

So said branch of the report was concurred in.

Mr. Vandever from the committee on canals and Internal Improvement, to whom was referred a resolution of the House directing, an enquiry into the propriety of changing the act to provide for a General System of Internal Improvement so as to authorize Engineers and members of the Board of Internal Improvement to purchase and hold real estate along the lines of the public works where the same have been located and put under contract, reported.

A bill No. 62, to amend an act entitled "an act to provide for a General System of Internal Improvement, approved January 27, 1837.

Which was read the first time,

And passed to a second reading on Monday next.

Mr. Jones from the select committee to whom that subject was referred, reported

A bill No. 63, to provide for a uniform mode of doing county business in the several counties in this State.

Which was read the first time,

And passed to a second reading on Monday next.

The House then resumed the consideration of the resolution offered by the representative from Floyd, which was under consideration on yesterday, when the time expired for the discussion of resolutions.

The motion pending to lay said resolution upon the table was withdrawn.

When Mr. Whitman withdrew his resolution.

Mr. Hurst offered the following resolution:

Resolved, That the chairman of the Judiciary committee be, and he is hereby authorized, to appoint a Secretary to said committee, who, when appointed, shall receive the same compensation with other Secretaries of this House, and that the said chairman be authorized to administer the necessary oath.

Which resolution was not adopted.

On motion of Mr. Bryce,

Resolved, That the committee on Education be instructed to enquire into the expediency of so amending the school laws as to confine the examination of teacher exclusively to the examiners appointed by the Circuit Court, or to the District Trustees; and that they report by bill or otherwise.

On motion of Mr. Miller,

Resolved, That the committee on Education be instructed to inquire into the expediency of so amending the 12th section of "an act to provide for distributing the surplus revenue of the United States, approved Feb. 6, 1837, so that an additional per centum be allowed agents for receiving and disbursing the money; and also, that the agents be allowed to retain out of said fund such amounts of money as they have, or may have, after paying for the necessary books for entries, as are required of them by law to keep.

Mr. Osborn offered the following resolution.

Resolved, That the Judiciary committee be instructed to enquire into the expediency of allowing constables a greater amount of fees than they

are now allowed by law, for summoning jurors to attend before justices of the peace, with leave to report by bill or otherwise.

Which was not adopted.

On motion of Mr. Milroy,

Resolved, That the President of the State Bank be requested to state to this House his opinion of the propriety of increasing the State stock in the State Bank; the effect such increase would have on the business and commerce of the State; the probability of obtaining a loan of funds for such increase; with the probable profits that may be derived from such increase of State stock; with his opinion as to the amount of interest on the State debt that may be paid annually by such profits. And that the clerk of this House be directed to transmit a copy of the above resolution to the President of the State Bank.

Mr. Williams of L. offered for adoption the following:

Whereas, the school law has been so construed as to give any person who chooses to do so, the privilege to relinquish their interest in the school funds to the inhabitants of districts wherein they reside, and not assist in building district school houses. Therefore

Resolved, That if the above be a proper construction of said school law, that the committee on Education be instructed to enquire into the expediency of amending said law as to make it more definite; and also to enquire into the expediency of amending the 15th section of the 5th chapter of said law as to make it lawful for the district trustees to take the enumeration of all those, and the number of their children between 5 and 21 years of age, who do relinquish their interest in the school funds to the inhabitants of school districts, on condition that they pay no tax for the purpose of building district school houses, to enable the trustees in the different districts to draw that portion of the school funds.

Which was adopted.

The Speaker laid before the House the second annual report of the Board of Internal Improvement, accompanied with a report from the engineer department.

Which was read and referred to the committee on Canals and Internal Improvements.

Ordered, That 3,000 copies thereof be printed.

On motion of Mr. Chamberlain,

Resolved, That the printer for this House be required to print the report of the Board of Internal Improvements without delay; and that all other public printing be delayed by said printer until after the printing of said report, except the report of the Fund Commissioners.

And that the clerk of this House furnish said printer with a copy of this resolution;

And that 200 copies of said report be allowed for the use of the members of said Board.

The Speaker laid before the House a report of the Fund Commissioners, made in compliance with a resolution of the House on the 11th inst

Which was read and referred to the committee on the Canal Fund.

And 500 copies thereof ordered to be printed.

Mr. Burns offered the following resolution,

Resolved, That the committee on roads be instructed to inquire into expediency of so amending the present road law as to provide that no person shall be required to perform a greater amount of labor in any one year than eight days, and also to provide that supervisors shall not be liable to be indicted, for the bad repair of the roads in their districts, where it shall appear that they have required the hands in their respective districts, to perform all the labor required of them by law.

Which was not adopted,

Mr. Champer introduced a bill,

No. 64, to amend an act entitled "an act to provide for a general system of Internal Improvement, approved January 27th, 1836."

Which,

Was read the first time,

And passed to a second reading on Monday next.

And on motion,

The House adjourned until Monday morning next, at 9 o'clock.

MORNING, DEC. 18th, 1837.

The House met pursuant to adjournment.

Mr. Crume presented the petition of Joseph Nelson and others, asking that the incorporation of the town of Connersville be dissolved,

Which,

Was read and referred to a select committee of Messrs. Crume, Thompson of F., and Williams of R.

Mr. Davis presented the petition of J. G. Brown and others for the change in the turnpike road from New Albany to Vincennes so as to cross White River at Hindoston;

Which,

Was read and referred to the committee on canals and internal improvements.

John Ritchey the member elect from the county of Delaware, appeared, produced his credentials, was sworn into office by the Hon. Isaac Blackford, and took this seat as a member.

Mr. Carleton presented the petition of Alfred Hadley and others for a state road from Rockville to Covington.

Which,

Was read and referred to the committee on roads.

Mr. McCrillus presented the petition of Moses Kelso, and others for the sale of the north west quarter of section 26, town 1, range 5, west;

Which

Was read and referred to the committee on the judiciary.

On motion of Mr. Wines of G. & W.,

Resolved, That the committee on roads be instructed to enquire into the propriety of so amending the road law as to require the boards doing county business to allow commissioners and other persons employed in locating roads; a fair and reasonable compensation for their services.

On motion of Mr. Perine,

Resolved, That the committee on canals and internal improvements, be instructed to enquire into the expediency of providing by law for the collection of tolls on the Wabash and Erie Canal, including the feeder from Fort Wayne to Logansport, with leave to report by bill otherwise.

On motion of Mr. Noble,

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of so altering the law, as to point out more definitely the official duty of county surveyors and to regulate their fees, with leave to report by bill or otherwise.

Mr. Glenn offered the following resolution,

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of so amending the existing laws of this state, as to provide that where suits are brought in state cases before justices of the peace, and decided against the state, the prosecuting witness shall pay costs, with leave to report by bill or otherwise.

Which was not adopted,

Mr. Shook offered for adoption the following,

Whereas the committee on roads has by a resolution of this House been instructed to enquire into the expediency of publishing the road laws in pamphlet form for the use of the supervisors of this state; Therefore,

Resolved, That the committee on roads be instructed to enquire into expediency of revising the several road laws of this State and prepare them in one act for publication,

Which was adopted.

On motion of Mr. Whitman,

Resolved, That the committee on roads enquire into the expediency, of authorizing the boards doing county business, to appoint and compel the services of all supervisors, under suitable penalties; and that said boards have by law a general superintendence, over the opening, constructing and repairing, all county and state roads; and, that all supervisors be under their direction.

On motion of Mr. Helmer,

Resolved, That the committee on the judiciary be instructed to enquire into the causes, which led to the suspension of specie payment by the State Bank and her branches, and the propriety of legalizing the same, also to enquire into the expediency of fixing upon the time, and the condition by which said bank shall be governed in the resumption of specie payment; with leave to report by bill or otherwise.

On motion of Mr. Whitman,

Resolved, That the judiciary committee be instructed, to enquire into the expediency of amending the law regulating the pay of clerks of circuit courts for services rendered, in state cases, so as to grant discretionary power to the county boards, as to what amount they shall receive for such services.

On motion of Mr. Graham,

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of so amending the law subjecting real and personal estate to execution that \$100 of specified personal estate be exempt from execution. The provisions of which are only to be extended to such execution defendants as have families.

Mr. Hood offered the following resolution,

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of increasing the per diem, allowance of Associate Judges, grand and petit jurors, witnesses, and all other county and township officers: also, the fees of clerks of the circuit court, sheriffs and constables, with leave to report by bill or otherwise.

On motion of Mr. Crume,

Said resolution was amended by striking therefrom "Clerks of the circuit courts, sheriffs and constables."

When said resolution, as amended, was adopted.

On motion of Mr. Osborn,

Resolved, That a select committee of three be appointed to enquire into the expediency of revising and condensing the astray laws of this State, with leave to report by bill or otherwise.

Thereupon the Speaker appointed Messrs. Osborn, Huff and Macy that committee.

On motion of Hawkins,

Resolved, That the judiciary committee be instructed to enquire into expediency of amending the act "regulating the jurisdiction and duties of justices of the peace," approved February 10th, 1831, so as to provide that a failure on the part of the justice to file the appeal and papers, in any cause appealed from his docket within twenty days after taking such appeal, shall not operate to prevent the circuit court, from taking cognizance, of such appeal; *Provided*, The appellant or appellee shall file their appeal, with the accompanying papers in said cause ten days before the first day of the next term of said court; *Provided*, There has been sufficient time therefor.

On motion of Mr. Chamberlin,

Resolved, That the judges of the supreme court be requested to lay before this House a report of the progress they have made in revising the laws of this State.

And that the clerk of this House lay before them a copy of this resolution.

On motion of Mr. Hanna,

Resolved, That the committee on Agriculture be instructed to enquire into the expediency of increasing the compensation for taking and killing wolves.

On motion of Mr. Jones,

Resolved, That the Judiciary committee be instructed to enquire whether any amendments are necessary in the practice in criminal cases on writs of error. And,

Whether it would be expedient to pass a general act in relation to changing the venue in criminal cases. And,

Whether it would be expedient to prohibit the Prosecuting Attorney from entering a nolle prosequi after the jury has been sworn and evidence given against the defendant;

With leave to report by bill or otherwise.

Mr. Noel offered the following resolution:

Resolved, That the committee of Ways and Means be instructed to inquire into the expediency of reducing the interest on the Surplus Revenue, loaned in the several counties to six per centum per annum.

Mr. Proffit moved to amend said resolution by adding "and that they enquire into the expediency of applying the interest to Internal Improvements."

When,

On motion of Mr. Vandever,

Said resolution and pending amendment were indefinitely postponed.

On motion of Mr. Macy,

Resolved, That the Judiciary committee enquire into the expediency of authorizing married women under the age of twenty one years to join with their husbands in the conveyance of real estate.

The Speaker laid before the House, a communication from the Treasurer of State, giving a statement of the operations of the 3 per cent. fund;

Which,

Without reading was referred to the committee of Ways and Means,

Ordered, That 200 copies thereof be printed.

The Speaker laid before the House, a communication from John S. Williams, Engineer, in compliance with a resolution of this House.

Which was read;

When,

Mr. Cotton moved that said report be annexed to the report of the principal engineers and printed therewith.

Which motion did not prevail.

Mr. Berry moved to refer said report to the committee on Canals and Internal Improvements;

When;

Mr. Jones moved that said report be laid upon the table.

Which motion did not prevail.

The question then recurring on referring said report to the committee on Canals and Internal Improvements;

Mr. Gregory then moved to amend the motion of Mr. Berry so as to print 200 copies.

Which motion did not prevail.

Was decided in the affirmative.

Mr. Murphy introduced a joint resolution No. 65, relative to the connection between the Whitewater and Central Canals;

Which was read the first time and passed to a second reading on to-morrow.

Mr. Bennet introduced a bill No. 66, to modify the plan of prosecuting the public works of Indiana; and amendatory of an act entitled "an act to provide for a general system of Internal Improvements," approved January 27th, 1836.

Mr. Garrigus introduced a bill, No. 67, concerning state roads therein named.

Mr. Carleton introduced a bill No. 68, to amend an act entitled "an act to give mechanics a lien upon buildings."

Mr. Jones introduced a bill No. 69, to repeal an act relative to evidence, approved February 4, 1837.

Mr. Arnold introduced a bill No. 70 to amend an act to provide for a general system of Internal Improvements, approved January 27, 1836.

Which were severally read the first time and passed to a second reading on to-morrow.

Mr. Perine from the committee to whom was referred a bill No. 6, for locating a state road from Warsaw to the Tippecanoe river at or near the second principal meridian, reported the same to the House with an amendment.

Which was concurred in by the House.

And the bill ordered to a third reading on to-morrow.

The House then proceeded to consider the orders of the day.

1st. A bill of the House No. 16, to repeal an act entitled "an act to prohibit the circulation of bank notes of a less denomination than five dollars, approved 2 February, 1832.

And the motion pending shall the bill be indefinitely postponed;

Mr. Cotton of S. moved,

That said bill be laid upon the table.

Which motion was decided in the negative.

When the House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

And resumed the consideration of the question pending at the adjournment, shall the bill be indefinitely postponed.

And the ayes and noes being requested thereon by Messrs. Glenn and Smydth of Clay.

Those who voted in the affirmative, were

Messrs. Arnold, Berry, Blair, Boon, Boyd, Bryce Brown, Burns, Carleton, Carr, Chamberlain, Champer, Cotton of P. Cox, Cunningham, Davis, Dowling, Eldridge, Ferguson, Ferris, Gaddis, Garrigus, Glenn, Graham, Gregory, Haddon, Hamel, Hanna, Hawkins, Herriman, Helmer, Henley, Hocker, Hood, Howell, Hubbard, Huff, Huston, Jackson, Jones, Judah, Kenton, Lane, Lee, Major, Marshall, Matock, McClure, McCrillus, Miller, Milroy, Monroe, Morrison, Murphey, Nickel, Noel, Osborn, Owen, Peaslee, Perine, Porter, Proffit, Reeve, Richey, Ristine, Roe, Robbins, Shook, Sims, Smith of W., Smydth of C., Stapp, Tannehill, Thompson of A., Vance, Vandever, Watson, Whitman, Williams of L., Williams of R., Williams of W., Wilson, Wines of G. and W., Wines of V., Wyman, Zenor and Mr. Speaker.—86.

Those who voted in the negative, were

Messrs. Bennett, Cotton of S., Cume, Haymond, Henricks, Hurst, Leviston, Macy, Noble, Pabody, Thompson of F., and Walpole—12.

So said bill was indefinitely postponed.

Mr. Graham from the committee on Enrolled Bills made the following report:

MR. SPEAKER:

The joint committee on Enrolled Bills report, that they did this day present to his Excellency, the Governor, for his approval and signature, bills and a memorial and joint resolution of the following titles, to wit:

No. 5. "An act making an appropriation of part of the three per cent. fund in Lawrence county."

No. 8. "An act to appropriate part of the three per cent. fund in Fountain county."

No. "A memorial and Joint Resolution relative to the Wabash and Erie Canal."

A Bill of the House No. 17, to declare a misprint;

Which was read the second time and ordered to a third reading on to morrow.

Bill No. 18, to amend the act for opening and repairing roads and highways, approved February 10, 1831;

Which was read the second time and ordered to a third reading on to-morrow.

Bill No. 19, to provide for the erection of bridges over the White Water Canal;

Was read the second time and referred to the committee on Canals and Internal Improvement.

Bill No. 20, to amend an act entitled "an act regulating the practice in suits at law;

Was read the second time and referred to the committee on the Judiciary.

The following message was received from the Governor by Mr. Maguire, his private Secretary:

MR. SPEAKER:

I am requested by the Governor to inform the House of Representatives that he did, on this day, approve and sign a memorial and joint resolution relative to the Wabash and Erie Canal, which originated in the House of Representatives.

And also acts which originated in the Senate, entitled:

An act making an appropriation of part of the 3 per cent. fund in Lawrence county; and

An act to appropriate part of the three per cent. fund in Fountain county.

Bill of the House No. 21, regulating the compensation of Jurors and Witnesses;

Was read the second time and referred to a select committee of Messrs. Crume, Hubbard and Walpole.

Bill of the House No. 22, to legalize the acts of Moses Gray as recorder of Scott county;

Was read the second time and ordered to a third reading on to-morrow.

Bill of the House No. 23, to incorporate the Morgan county seminary;

Was read the second time and ordered to a third reading on to-morrow.

The following message was received from the Senate by Mr. Test, their Secretary:

MR. SPEAKER:

I am instructed by the Senate to inform the House that the Senate have concurred in the resolution of the House amending the joint rules for the government of both Houses of the General Assembly; so that the joint committee on the State Library shall consist of such number of members as each House may appoint respectively.

The Senate have passed engrossed bills of the House entitled:

No. 7, an act to amend an act entitled "an act to appropriate the 3 per cent. fund in certain counties therein named."

No. 23, an act for the relief of E. M. Jones.

Each without amendment.

The Senate has also passed and engrossed Bill thereof entitled:

No. 23, an act to change a part of a State road therein named.

In which the concurrence of the House is respectfully requested.

Bill No. 23, accompanying the message of the Senate,

Was twice read, the rule having been suspended, and ordered to a third reading on to-morrow.

Bill of the House No. 28, on the subject of appropriation of the three per cent. fund heretofore appropriated to Orange county;

Was read the second time and ordered to a third reading on to-morrow.

A joint memorial of the General Assembly of the State of Indiana, (No. 6 of the Senate) in relation to the Harbor at Michigan City;

Was read the second and third time, the rule having been suspended, And passed.

Ordered, That the clerk inform the Senate thereof.

Bill of the House No. 29, authorizing the sale of a certain school house and lot in the county of Washington;

Was read the second time and ordered to a third reading on to-morrow.

No. 31, to change the name of the town of Middleton to that of Ogden;

Was read the second time and ordered to a third reading on to-morrow.

No. 32, to legalize the acts of the Fayette county bridge company;

Was read the second and third times,

And passed.

Ordered That the clerk inform the Senate, and ask their concurrence therein.

No. 33, appropriating part of the three per cent. fund in the county therein named;

Was read the second time;

When,

On motion of Mr. McClure,

Said bill was amended by striking out \$800, and inserting four hundred dollars.

And then said bill was ordered to a third reading on to-morrow.

No. 34, for the relief of Joseph Wells;

Was read the second time and ordered to a third reading on to-morrow.

No. 35, relative to the Vincennes University;

Was read the second time and referred to the committee on Corporations.

No. 36, to amend an act entitled "an act regulating the jurisdiction and duties of justices of the peace, approved Feb. 3, 1832;

Was read the second time and referred to the committee on the Judiciary.

No 37. to amend the 16th section of an act relating to State roads, approved February 6, 1837;

Was read the second time and ordered to a third reading on to-morrow.

No. 39, to incorporate the town of Princeton;

Was read the second time and ordered to a third reading on to-morrow.

No. 40, providing for holding courts in the 9th Judicial circuit;

Was read the second time and referred to the members from said circuit.

No. 41, to amend an act entitled "an act regulating the practice in suits at law, approved January 29, 1831;

Was read the second time and referred to the committee on the Judiciary.

No. 42, to repeal an act entitled "an act to provide for opening and repairing public roads and highways in the county of Clay, approved Feb. 2, 1837;

Was read the second time and referred to the committee on Roads.

No. 43, to amend an act entitled "an act to organize circuit courts and defining their powers and duties, approved January 21, 1831;

Was read the second time;

And on the question shall said bill be engrossed for a third reading;

And the ayes and noes being requested thereon by Messrs. Morrison and Hanna;

Those who voted in the affirmative were:

Messrs. Arnold, Bennett, Blair, Boon, Boyd, Bryce, Brown, Burns, Carleton, Carr, Cotton of P., Cotton of S., Cox, Crume, Cunningham, Davis, Dowling, Ferguson, Ferris, Gaddis, Garrigus, Glenn, Graham, Gregory, Haddon, Hamel, Hawkins, Herriman, Haymond, Helmer, Henley, Hocker, Hood, Howell, Hubbard, Huff, Hurst, Huston, Jackson, Jones, Judah, Kenton, Lane, Macy, Major, Marshall, Matlock, McClure, McCrillus, Miller, Milroy, Monroe, Murphy, Nickel, Noel, Osborn, Owen, Pabody, Perine, Porter, Richey, Ristine, Roe, Shook, Smith of W., Stapp, Tannehill, Thompson of A., Thompson of F., Vance, Vandever, Walpole, Watson, Whitman, Williams of R., Wilson, Wines of G. and W., Wines of V., Zenor and Mr. Speaker—79.

Those who voted in the negative, were

Messrs. Hanna, Lee, Leviston, Morrison, Noble, Peaslee, Reeve, Robbins, Smydth of C., Williams of L., Williams of W., and Wyman—12.

So said bill was ordered to be engrossed and read a third time on to-morrow.

And then the House adjourned until to-morrow morning 9 o'clock.

THURSDAY MORNING, DECEMBER 19, 1837.

The House met pursuant to adjournment.

The Speaker laid before the House a communication from Thomas H. Sharp, Agent of the State for the town of Indianapolis, in compliance with a resolution of the House;

Which was read and referred to the committee on the affairs of the town of Indianapolis.

Mr. Dowling presented the petition of sundry citizens of the State of Illinois, on the subject of a rail road from Terre Haute to the State line, to connect with a like road in Illinois, to the town of Alton.

Mr. Wines of Vigo presented a petition on the same subject;

Which were read and referred to the committee on Canals and Internal Improvements.

Mr. Sims presented the petition of the citizens of Martinsville, in Morgan county, asking that said town be incorporated;

Which, without reading, was referred to a select committee of Messrs. Sims, Matlock and Morrison.

Mr. Glenn presented the petition of Wilson North and others, for a review on part of the State Road leading from Madison to Lawrenceburg;

Which, without reading, was referred to the committee on Roads.

Mr. Cotton of P. presented the petition of James Foster and others, for a State road from Paoli to Troy;

Which, without reading, was referred to the same committee to whom was referred other petitions on the same subject.

Mr. Vance presented the petition of John B. Gillespie and others, for privileges to erect a dam across the Wabash River;

Which was read and referred to a select committee of Messrs. Vance, Thompson of A. and Wines of G. and W.

Mr. Smith of W. presented two several petitions of sundry citizens of the counties of Wayne, Randolph, Jay, Wells, Adams, Allen and Grant, for the establishment of a State road from Cambridge to Fort Wayne.

Which were referred to the same select committee to which other petitions on the same subject were referred.

Mr. Roe presented the petition of Israel Rude and others, for a change in part of the Brownstown and Madison State road; also, the petition of John Baker and others, for the location of a road from Zebulon Collins's in Clark county, to the Slate Ford in Scott county; and some minor changes in the Bethlehem and Indianapolis State road;

Which were severally read and referred to the committee on Roads.

Mr. Stapp presented the petition of John McCoy for a State road from the Michigan road to the Madison and Versailles State road.

Which was referred to the committee on Roads.

Mr. Howell presented the petition of James Jones and others, for the

re-location of a State road from Rockport in Spencer county, to Jasper in Dubois county;

Which was referred to the committee on Roads.

Mr. Roe presented the petition of sundry citizens of Scott county, asking a modification or classification of the works of internal improvement.

Which was read and referred to the committee on Canals and Internal Improvements.

Mr. Profit made the following report:

MR. SPEAKER:

The committee on Corporations, to which was referred "A Bill No. 3, to amend the act incorporating the Aurora and Napoleon Turnpike Company, and to legalize the proceedings of the Board of said Company," have had said bill under consideration, and have directed me to report said bill without amendment.

Said bill was ordered to a third reading on to-morrow.

On motion of Mr. Jones,

Resolved, That the Sinking Fund Commissioner furnish this House with a detailed statement of the operation of the Sinking Fund, shewing how much is loaned, to whom loaned, in what county loaned, and the appraised value of real estate pledged to secure each loan; and that the clerk transmit a copy of this resolution to the said Sinking Fund Commissioner.

On motion of Mr. Milroy,

Resolved, That the Judiciary committee be instructed to enquire what amendments are necessary to the act prohibiting the circulation of Bank bills under the denomination of five dollars, on the banks of the neighboring States, so as to make the same operative, and carry into effect the object of its enactment; with leave to report by bill or otherwise.

On motion of Mr. Morrison,

Resolved, That a select committee consisting of one member from each of the counties through which the National Road passes in this State, be appointed with instructions to prepare and present to this House, a memorial and joint resolution to the Congress of the United States, asking further and speedy appropriations for said road; and that a more efficient application of the monies appropriated be made; and that such a system of operations be adopted as will ensure to the people of this State a completion of the work on said road, without further unnecessary delay and expense.

Messrs. Morrison, Matlock, Cunningham, Smydth of C, Wines of V., Walpole, Hawkins and Murphey were appointed that Committee.

On motion of Mr. Proffit,

Resolved, That the Canal Fund Committee be instructed to enquire whether there is now a Fund Commissioner resident at the east; whether said commissioner is receiving pay from this State; and if so, what service requires his attention at the east.

On motion of Mr. Milroy,

Resolved, That James B. Johnson a member of the Board of Internal Improvement be requested to lay before this House that part of his report made to the Board, relative to the construction of a steamboat lock in the pool dam now erecting near Delphi; and that the clerk of this House be requested to communicate a copy of the above resolution to Mr. Johnson.

On motion of Mr. Thompson of A.,

Resolved, That a select committee appointed to revise the astray law, be instructed to enquire into the expediency of repealing so much of said law as requires the county commissioners to provide a pound and pound keeper, &c.

Mr. Hurst offered the following resolution:

Resolved, That the Judiciary committee enquire whether any legal provisions can be adopted to restrain the State Bank of Indiana, as to the expansion and contraction of its circulation; as to its dealing in exchange; and as to the purchase and sale of the notes of other State Banks.

Mr. Stapp moved to amend said resolution by striking out "the committee on the Judiciary," and inserting "the committee on the State Bank,"

And before any question was had thereon, the hour allowed for the introduction and discussion of resolutions expired.

Mr. Wyman introduced a bill No. 71 for the relief of John Carmichael,

Which was twice read, the rule having been dispensed with, and ordered to a third reading on to-morrow.

Mr. Vandever introduced a bill No. 72, to incorporate the town of Paoli, in Orange county.

Mr. Burns introduced a bill No. 73, to amend an act entitled an act to prohibit the circulation of notes of a less denomination than five dollars.

Mr. Wilson No. 74, declaring a certain name a misprint.

Mr. Milroy No. 75, for the relief of John R. Porter,

Which were severally read the first time and passed to a second reading on to-morrow.

Mr. Graham from the committee on enrolled bills made the following Report:

MR. SPEAKER:

The joint committee on Enrolled Bills did this day compare the Enrolled with the engrossed bill of the Senate No. 11, entitled "An act to legalize the acts of Anthony F. Smith, as assessor of Fulton county for the year 1837," and find the same truly enrolled,

Thereupon the speaker signed the same,

Ordered, That the clerk carry it to the Senate for the signature of their President.

The House then went into the consideration of the orders of the day.

Bill of the House No. 44, to incorporate the Lagro and Wabash Bridge Company,

Was read the second time and ordered to a third reading on to-morrow.

No. 45, to locate a State road from Paoli in Orange county, to Troy in Perry county,

Was read the second time and referred to the committee on roads.

No. 46. To locate certain State roads in Orange county,

Was read the second time and referred to the committee on roads.

No. 47. Relating to the collection of the State and county Revenue,

Was read the second time, and referred to the Committee of Ways and Means.

No. 48. To repeal an act entitled an act relative to the jurisdiction and duties of justices of the peace in Clay county,

Was read the second time and ordered to a third reading on to-morrow.

No. 49. A memorial and Joint Resolution on the subject of pre-emption rights,

Was read the second time and committed to a committee of the whole House and made the order of the day for Monday next.

No. 50. To regulate the jurisdiction of justices of the peace in Morgan county,

Was read the second time and ordered to a third reading on to-morrow.

No. 51. Granting additional time for the collector of Revenue in Porter county,

Was read the second time and referred to a select committee of Messrs. Hamel, Jones and Kenton.

No. 52. To authorize the raising the sum of fifty thousand dollars by Lottery for grading and paving the river bank and Water street at the town of Jeffersonville, in the county of Clark and State of Indiana,

Was read the second time and referred to a select committee of Messrs. Hurst, Henley and Ferguson.

No. 53. Declaring Big Raccoon creek, in the counties of Park and Putnam a public high way,

Was read the second time, when on motion of Mr. Wines of V., it was amended by striking therefrom so much as relates "to the canal fund."

Mr. Gaddis moved to strike out so much as relates "to the county of Putnam,"

When said Bill was referred to the committee on roads.

No. 54. To re-appropriate a portion of the three per cent. fund appropriated in Dearborn county, by an act approved Feb. 4th, 1837,

Was read the 2nd time and referred to a select committee of Messrs. Jackson Ferris, Glenn and Arnold.

No. 55. Declaring Sugar Creek in Park county a public highway,

Was read the second time and referred to a select committee of Messrs. Noel, Garrigus and Carleton.

No. 56. To encourage the killing of Wolves,

Was read the 2nd time, when Mr. Smith of W., moved to amend said bill so as to make the whole amount of premium payable out of the county Treasuries,

Which was decided in the negative.

Mr. Jones moved the following amendment, "and on each Fox scalp and Wild-Cat scalp one dollar, and that the several animals be classified, and that large Wolf scalps be placed in the first class; Prairie Wolf scalps in the second class; Fox, scalps, in the third class, and Wild Cat scalps in the fourth class, and that the amount of premium be paid in the order of the classes,"

Which was decided in the negative.

When on motion of Mr. Hamel said bill was referred to the committee of Ways and Means.

No. 57. For opening and repairing public roads and highways in Hancock county,

Was read the second time, and referred to a select committee of Messrs. Walpole, Macy and Boon.

No. 58. To amend an act entitled "an act to appropriate part of the three per cent. fund in the county of Bartholomew, approved Feb. 3 1837.

No. 59. A Joint Resolution respecting the Franking privilege.

No. 60. To amend an act entitled "an act to provide for distributing so much of the Surplus Revenue of the United States as the State of Indiana may be entitled to receive of an act of Congress, approved 23d June, 1836."

No. 61. For the relief of Henry Matthews.

No. 62. To amend an act entitled "an act to provide for a General System of Internal Improvements, approved Jan. 27, 1836.

No. 63. To provide for a uniform mode of doing county business in the several counties in this state,

Was severally read the second time and ordered to a third reading on to-morrow.

No. 64. To amend an act entitled "an act to provide for a General System of Internal Improvements, approved Jan. 27, 1837,

Was read the second time, and referred to a select committee of Messrs. Champer, Sims and Boyd.

No. 65, a joint resolution relative to the connection between the White Water and Central Canals.

Was read the second time and referred to the committee on canals and internal improvement.

No. 66, to modify the plan of prosecuting the public works of Indiana, and amendatory of an act entitled "an act to provide for a general system of internal improvement, approved January 27, 1836."

Was read the second time,

When,

Mr. Vandever moved that said bill be committed to the committee on canals and internal improvements.

Mr. Milroy moved to amend said motion so as to commit to a select committee.

A division of the question being called for, was first put on striking out, the committee on canals and internal improvement.

And the Ayes and Noes being requested thereon by Messrs. Howell and Bennett.

Those who voted in the affirmative, were

Messrs. Arnold, Bennett, Blair, Boon, Brown, Burns, Carr, Champer, Cotton of P., Cotton of S., Cox, Eldridge, Ferguson, Ferris, Garrigus,

Glenn, Gregory, Haddon, Hanna, Henley, Hocker, Howell, Huff, Hurst, Huston, Jackson, Judah, Kenton, Levistone, Major, McCrillus, Miller, Milroy, Nickel, Noel, Osborn, Peaslee, Perine, Porter, Reeve, Roc, Shook, Smith of W., Walpole, Williams of L., Wilson and Zenor.—47.

Those who voted in the negative, were

Messrs. Berry, Boyd, Bryce, Carleton, Chamberlin, Crume, Cunningham, Davis, Dowling, Gaddis, Graham, Hamel, Hawkins, Herriman, Haymond, Helmer, Henricks, Hood, Hubbard, Jones, Lane, Lee, Macy, Marshall, Matlock, McClure, Morrison, Murphey, Noble, Pabody, Profit, Richey, Restine, Robbins, Sims, Smydth of C., Stapp, Tannehill, Thompson of A., Thompson of F., Vance, Vandever, Watson, Whitman, Williams of R., Williams of W., Wines of G. & W., Wines of V., Wyman and Mr. Speaker—50.

So said amendment did not prevail.

Mr. Henley then moved to amend the proposition to commit, by adding the following instructions "to strike out that part which relates to the time of the completion of the White Water Canal, and to make no amendment materially changing any of the provisions of the bill; and also to report on Wednesday next."

And the ayes and noes being requested thereon by Messrs. Henley and Howell.

Those who voted in the affirmative, were

Messrs. Arnold, Bennett, Blair, Boon, Brown, Burns, Carr, Cotton of P., Cotton of S., Cox, Ferguson, Ferris, Garriagus, Glenn, Gregory, Haddon, Henley, Hocker, Howell, Hurst, Huston, Jackson, Kenton, Levistone, McCrillus, Miller, Milroy, Nickel, Noel, Peaslee, Porter, Roc, Shook, Walpole, Williams of L., Wilson and Zenor—37.

Those who voted in the negative, were

Messrs. Berry, Boyd, Bryce, Carleton, Chamberlin, Champer, Crume, Cunningham, Davis, Dowling, Eldridge, Gaddis, Graham, Hamel, Hanna, Hawkins, Herriman, Haymond, Helmer, Henricks, Hood, Hubbard, Huff, Jones, Judah, Lane, Lee, Macy, Major, Marshall, Matlock, McClure, Morrison, Murphey, Noble, Osborn, Pabody, Perine, Profit, Reeve, Richey, Restine, Robbins, Sims, Smith of W., Smidth of C., Stapp, Tannehill, Thompson of A., Thompson of F., Vance, Vandever, Watson, Whitman, Williams of R., Williams of W., Wines of G. & W., Wines of V., Wyman and Mr. Speaker—60.

The question then recurring to commit said bill so the committee on canals and internal improvement without instructions.

And the ayes and noes being requested thereon by Messrs. Howell and Henley.

Those who voted in the affirmative, were

Messrs. Berry, Boyd, Bryce, Carleton, Chamberlain, Cox, Crume, Cunningham, Davis, Dowling, Gaddis, Graham, Hamel, Hanna, Hawkins, Herriman, Haymond Helmer, Henricks, Hood, Hubbard, Huff, Jones, Lane, Lee, Macy, Marshall, Matlock, McClure, Morrison, Murphy, Noble, Osborn, Pabody, Proffit, Richey, Restine, Robbins, Sims, Smydth of C., Stapp, Tannehill, Thompson of A., Thompson of F., Vance, Vandever, Watson, Whitman, Williams of R., Williams of W., Wines of G. & W., Wines of V., Wyman, and Mr. Speaker—51.

Those who voted in the negative, were

Messrs. Arnold, Bennett, Blair, Boon, Brown, Burns, Carr, Champer, Cotton of P., Cotton of S., Eldridge, Ferguson, Ferris, Garrigus, Glenn, Gregory, Haddon, Henley, Hocker, Howell, Hurst, Huston, Jackson, Kenton, Leviston, Major, McCrillus, Miller, Nickel, Noel, Owen, Peaslee, Perine, Porter, Reeve, Roe, Shook, Smith of W., Walpole, Williams of L., Wilson and Zenor—42.

So said bill was referred to the committee on canals and internal improvements.

On motion of Mr. Glenn,

Mr. Hurst was added to the select committee on that part of the Governor's Message relative to the appointment of Pilots at the Falls of Ohio.

And then the House adjourned, until to-morrow morning 9 o'clock.

WEDNESDAY MORNING, DEC. 20th, 1837.

The House met pursuant to adjournment.

The Speaker laid before the House the annual report of the Lawrenceburgh and Indianapolis rail road company;

Which,

On motion of Mr. Glenn,

Was without reading, referred to the committee on canals and internal improvement.

Mr. Vandeverer presented the petition of Z. Tate, of the county of Orange, in reference to the location of the New Albany and Vincennes McAdamized road.

Which without reading was referred to the committee on canals and internal improvements.

Mr. Eldridge presented the petition of Samuel McPherson and others, of the counties of Cass and Miami, for the location of a state road therein named.

Which was referred to the committee on roads.

Mr. Helmer presented the remonstrance of James Montgomery and others, against the vacation of a certain state road in Lawrence county

Which was referred to the committee on roads.

The Speaker laid before the House a report from the Treasurer of State, shewing the operation and condition of the surplus revenue deposited with the State of Indiana;

Which was referred to the committee of Ways and Means.

Ordered, That 200 copies thereof be printed.

Mr. Ferguson presented the petition of Henry Harred and others on the subject of pilots at the Falls of Ohio;

Which was referred to the select committee to whom was referred so much of the Governor's Message as relates to that subject.

Mr. Miller presented the petition of Thomas Smith and others, asking that the lines dividing the counties of Warrick and Gibson be more clearly defined;

Which was referred to a select committee of Messrs. Miller, Owen and Graham.

At the request of Mr. Milroy, he was excused from serving on the committee on the Canal Fund. And,

Thereupon, the Speaker appointed Mr. Henley as an addition to said committee.

Mr. Gregory from the committee on Roads made the following report:

MR. SPEAKER:

The committee on roads to whom was referred sundry petitions, bills, and resolutions, have had them under consideration and report:

That a bill to repeal an act providing for opening public roads and highways in the county of Clay, approved February 2, 1837, have had that bill under consideration and agreed to report it back to the house, without amendment and request the passage of the bill.

A bill to relocate certain state roads in Orange county, and have agreed to report it inexpedient to legislate on that subject, as the law makes ample provision for changing of state roads which lie within the limits of any one county in this State.

And a petition from sundry citizens of Monroe county, asking appropriation on a certain state road of one hundred dollars, \$500 of the 3 per cent. fund arising from the sale of public land, the three per cent. fund being by an act of the last legislature divided amongst the counties in the State, and in the petition not asking for sums out of that portion which was appropriated to Monroe county, the committee have directed me to report it inexpedient to legislate on that subject.

The bill No. 42, accompanying said report, was ordered to a third reading on to-morrow.

The 2d branch of the report, to wit: on the bills to locate and relocate certain state roads in the county of Orange;

Was not concurred in.

When,

On motion of Mr. Vandever,

Said bills were recommitted to the committee on Roads with instructions to incorporate the provisions thereof in the general bill on the subject of state roads.

The 3d branch thereof, to wit: on the petition of sundry citizens of Monroe county;

Was not concurred in.

And,

On motion of Mr. Berry,

Said petition was recommitted with instructions to embrace a provision in the general bill in conformity to the petition.

Mr. Stapp from the committee on Canals and Internal Improvements made the following report:

MR. SPEAKER:

The committee on Canals and Internal Improvements to which was referred "A bill No. 19, to provide for the erection of bridges over the White water Canal," have had the same under their consideration and have directed me to report the same to the House and ask its indefinite postponement.

Mr. Bryce moved that said report and bill be laid upon the table.

Which was decided in the negative.

On the question will the House concur in the report of the committee and postpone said bill indefinitely,

And the ayes and noes being requested thereon by Messrs. Glenn and Haymond,

Those who voted in the affirmative were:

Messrs. Bennett, Berry, Blair, Boon, Boyd, Bryce, Brown, Carleton, Carr, Champer, Cotton of P., Cotton of S., Cox, Cunningham, Davis, Dowling, Eldridge, Gaddis, Garrigus, Graham, Haddon, Hamel, Hawkins, Herriman, Helmer, Henricks, Hocker, Hood, Huston, Kenton, Lane, Lee, Macy, Marshall, Matlock, McClure, McCrillus, Miller, Monroe, Morrison, Murphey, Nickel, Noble, Noel, Owen, Pabody, Peaslee, Proffit, Reeve, Richey, Ristine, Robbins, Shook, Sims, Smydth of C., Stapp, Tannehill, Thompson of A., Thompson of F., Vance, Vandever, Walpole, Watson, Whitman, Williams of L., Williams of R., Williams of W., Wines of G. and W. Wines of V., Wyman and Mr. Speaker—72

Those who voted in the negative were,

Messrs. Arnold, Burns, Chamberlain, Crume, Ferguson, Ferris, Glenn, Gregory, Haymond, Henley, Howell, Hubbard, Huff, Hurst, Jackson, Judah, Leviston, Major, Milroy, Osborn, Perine, Roe, and Smith of W.—23.

So said report was concurred in and said bill indefinitely postponed.

Mr. Carleton from the committee on Canals and Internal Improvements, reported a bill No. 6, to amend "an act entitled an act to provide for a general System of Internal Improvement, approved January 27th, 1836;

Which was read the first time and passed to a second reading on tomorrow.

Mr. Proffit from the committee on Corporations made the following report:

MR. SPEAKER:

The committee on Corporations to which was referred the "charter, No. 38, of the Marion Fire Engine Company," have had said charter under consideration, and have directed me to report it back to the House with one amendment.

Insert after the words "payment of" in the third section, the words "a county."

Which amendment was concurred in by the House.

Mr. Glenn moved further to amend said bill by striking out the third section thereof.

Which motion did not prevail.

When said bill was ordered to a third reading on to-morrow.

Mr. Proffit from the committee on Corporations made the following report:

MR. SPEAKER:

The committee on Corporations, to which was referred "a bill, No. 35, relative to the Vincennes University," have directed me to report it back to the House without amendment.

On motion of Mr. Stapp,

Said bill was recommitted to the committee on Education.

Mr. Hamel made the following report:

MR. SPEAKER:

The select committee, to whom was referred "a bill, No. 51, granting additional time for the collection of revenue in Porter county," have had the same under consideration and have directed me to report the same back to the House, with a provision inserted as an amendment thereof.

To which the concurrence of the House is respectfully requested.

Which amendment was concurred in by the House.

And said bill was ordered to a third reading on to-morrow.

Mr. Walpole from the select committee to whom was referred a bill, No. 57, for opening and repairing public roads and highways in Hancock county, reported the same to the House with an amendment.

In which amendment the House concurred.

And said bill was ordered to a third reading on to-morrow.

Mr. Cotton of P. from the committee to whom was referred the petition of William Marshall and others on the subject of the navigation of Anderson River, reported a bill, No. 77, to prevent obstructions in Anderson river in Peery and Spencer counties;

Which was read the first time and passed to a second reading on to-morrow.

The following message was received from the Senate by Mr. Test, their Secretary:

MR. SPEAKER:

I am instructed by the Senate to inform the House of Representatives that the Senate has passed engrossed bills of the Senate entitled:

No. 25, an act to incorporate the American Carmel Coal Company.

No. 29, an act to authorize the Fund Commissioners to settle with certain debtors of the State.

In which the concurrence of the House of Representatives is respectfully requested.

The bill No. 25, accompanying the said message, was twice read, the rules having been suspended, and ordered to a third reading on to-morrow.

Bill No. 29, accompanying the message, was read the first and second time and committed to the committee on Corporations.

Mr. Graham from the committee on Enrolled Bills made the following report:

MR. SPEAKER:

The Joint Committee on Enrolled Bills, report that they did this day present to his Excellency the Governor, for his approval and signature, bill No. 11 of the Senate, entitled "an act to legalize the acts of Anthony F. Smith, as Assessor of Fulton county for the year 1837.

The House then resumed the consideration of the resolution under discussion on yesterday, when the hour for resolutions expired.

And before any question was had thereon,

The House adjourned until 2 o'clock P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

On motion of Mr. Henley,

The previous orders of the day were suspended, and the House resumed the consideration of the resolution pending when the House adjourned.

Mr. Vandever moved a division of the pending question,

Which was thereupon put,

On striking out "the Judiciary committee,"

And decided in the negative.

And then said resolution was adopted.

Mr. Chamberlain offered for adoption the following:

Whereas, the President of the State Bank, in his late report, has informed this House in reference to the Bank Convention recently holden in New York, on the subject of the resumption of specie payment, "that this Bank has a representative there instructed to vote for the earliest day that may be proposed,"

Therefore,

Resolved, That the President of the State Bank be requested to inform this House forthwith, who said delegate was; what course said delegate pursued in said convention, in reference to said instructions; and whether it was in conformity with, or in opposition to his instructions; and that said President of the State Bank lay before this House, a copy of the correspondence between him and said delegate on the subject of said instructions, and the action of said delegate in reference thereto.

And that the clerk of this House lay before the President of said Bank a copy of this resolution.

Which was adopted.

And the House adjourned until to-morrow morning 9 o'clock.

THURSDAY MORNING, DECEMBER 21, 1837

The House met pursuant to adjournment.

The Speaker laid before the House the report of the Engineer on the Madison and Lafayette Rail Road between Crawfordsville and Lafayette;

Which was read and referred to the Committee on Canals and Internal Improvements.

The Speaker laid before the House a report from the Board of Internal Improvement in compliance with a resolution of the House,

Which was read,

When,

Mr. Vandever moved that it be referred to the committee on Canals.

Mr. Bennet moved to amend said motion by directing that 200 copies be printed.

Mr. Howell moved that said report be laid upon the table.

Which was decided in the negative.

When,

On motion of Mr. Milroy,

Said report was referred back to the Board of Internal Improvement, with a request that they make out and transmit to the House a perfect answer to the resolution heretofore sent them.

The Speaker laid before the House a communication from the President of the State Bank, in answer to a resolution on the subject of increasing the State stock in the State Bank;

Which was read and referred to the committee on the State Bank with instructions to enquire into the expediency of reporting a bill increasing the State stock in said Bank.

Ordered, That 1000 copies of said communication be printed.

The Speaker laid before the House an extract from John B. Johnson's report on the subject of a steamboat lock in the Pool Dam near Delphi, in answer to a resolution of the House;

Which was read and referred to the committee on Canals and Internal Improvements.

The Speaker laid before the House a communication from the Judges of the Supreme Court in answer to a resolution of the House on the subject of revising the laws of this State;

Which was read and referred to the committee on the Judiciary.

Mr. Macy presented the petition of E. K. Hart and others for the incorporation of a company by the name of the Knightstown Canal Manufacturing and Trading Company;

Which was read and referred to a select committee of Messrs. Macy, Williams of W., Crume and Richey.

Mr. Lane presented the petition of David Clark and others for a change in the School Laws of this State;

Which was read and referred to the committee on Education.

Mr. Thompson of A. presented the petition of R. Hood and others for a State Road therein named;

Which was read and referred to the committee on Roads.

Mr. Proffit from the committee on Corporations made the following report:

MR. SPEAKER:

The committee on Corporations to which was referred a bill of the

Senate, No. 25, to incorporate the American Carmel Coal Company, have examined said bill and directed me to report it back to the House without amendment.

On motion of Mr. Proffit,

The rule was suspended, and said bill read the third time,
And passed.

Ordered, That the Senate be informed thereof.

Mr. Marshall from the committee on the State Bank made the following report:

MR. SPEAKER:—

The committee on the State Bank to which was referred a resolution of this House requiring the said committee to ascertain whether said Bank or any of its Branches have issued bills between the denominations of five, ten and twenty dollars; have had that subject under consideration and have directed me to report, that the State Bank has issued through some of her branches notes of the denominations of six, seven, eight and nine dollars.

Mr. Jackson from the select committee to whom was referred,

A Bill No. 4, re-appropriating a portion of the three per cent. fund appropriated in Dearborn county, by an act approved February 4th, 1837; reported the same back to the House, with two amendments;

Which were concurred in by the House, and the bill ordered to a third reading on to-morrow.

Mr. McClure from the select committee to whom was referred the petition of John Rinehart and others for privilege to be given to John Walker to use the water of certain Lakes in the county of Laporte and for other purposes reported,

A Bill No. 78, granting certain powers and privileges to the grantee therein named,

Which was read the first time and passed to a second reading on to-morrow.

Mr. Blair offered the following resolution,

Resolved, That when this House adjourn on to-morrow, it will adjourn to meet on Tuesday the 2nd day of January next, the Senate concurring therein.

Mr. Stapp moved to amend said resolution by striking out "to-morrow," and insert "Saturday next."

Mr. Glenn moved that said resolution be laid upon the table;
Which was decided in the negative.

Mr. Miller moved that said resolution and pending amendment be indefinitely postponed.

And the Ayes and Noes being requested thereon by Messrs. Haymond and Miller.

Those who voted in the affirmative, were

Messrs. Arnold, Bennett, Boyd, Bryce, Brown, Carleton, Carr, Chamberlain, Cotton of P., Cotton of S., Davis, Ferguson, Ferris, Gaddis, Garrigus, Glenn, Graham, Haddon, Hamel, Herriman, Helmer, Hendricks, Hocker, Howell, Huston, Jackson, Jones, Judah, Lane, Major, Marshall, Matlock, McClure, McCrillus, Miller, Milroy, Monroe, Noel, Osborn, Owen, Pabody, Perine, Porter, Proffit, Ristine, Roe, Shook, Smith of W., Smith of C., Tannehill, Thompson of F., Vandever, Walpole, Watson, Whitman, Williams of L., Williams of R., Wilson and Zenor—58.

Those who voted in the negative, were

Messrs. Berry, Blair Boon, Burns, Champer, Cox, Crume, Cunningham, Dowling, Eldridge, Gregory, Hanna, Hawkins, Haymond, Henley, Hood, Hubbard, Huff, Hurst, Kenton, Lee, Leviston, Macy, Morrison, Murphey, Nickel, Noble, Peaslee, Reeve, Ritchey, Robbins, Sims, Stapp, Thompson of A., Vance, Williams of W., Wines of G. & W., Wines of V., Wymond and Mr. Speaker. 40

So said resolution and pending amendment were indefinitely postponed.

The following Message was received from the Senate by Mr. Test, their Secretary:

MR. SPEAKER:—

I am directed by the Senate to inform the House of Representatives that the Senate has passed an engrossed bill of the House entitled

No. 32, an act to legalize the acts of the Fayette county Bridge Commissioners without amendment.

On motion of Mr. Jones,

Resolved, That the fund commissioners be requested to inform the House what rules have been adopted by them for their government in regard to the division of their duties, what expenses have accrued on account of the discharge of the duties respectively; whether it is neces-

sary to have a resident commissioner in the east, and to suggest their views in regard to the re-organization of said Board, having a direct view to economy and the interest of the State.

Mr. Bryce moved the following resolution,

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of reporting a bill making it the duty of the clerks of the several circuit courts upon the filing in their offices, transcripts of judgments rendered in due form of law by justices of the peace, and upon which a return of *nulla bona* has been duly had to enter the same at length in the order book of the circuit court of the county, where such judgment was rendered, and issue such writ or writs of execution thereon as if the same had been rendered in the circuit court.

On motion of Mr. Jones,

Said resolution was amended by adding, and what amendments if any are necessary to the law in regard to transcripts, and report by bill or otherwise.

When said resolution as amended was adopted.

On motion of Mr. Richey,

Resolved, That the committee on Roads be instructed to inquire what alteration, if any, is necessary more clearly to define the duties of viewers appointed by the several Boards doing county business in the several counties in this State, to view county roads; and whether said viewers have or have not a right to vary from points mentioned in petitions, with leave to report by bill or otherwise.

Mr. Graham from the committee on Enrolled Bills, made the following report:

MR. SPEAKER,

The joint committee on Enrolled Bills report that they did this day compare the enrolled with the engrossed bill of the House, entitled No. 32, "An act to legalize the acts of the Fayette County Bridge Commissioners," and find the same truly enrolled.

Thereupon the Speaker signed the same.

Ordered, That the clerk carry it to the Senate for the signature of their president.

On motion of Mr. Ristine,

Resolved, That the committee on Military Affairs be instructed to inquire into the expediency of so changing the law regulating the militia of this State, so as to organize a volunteer company in each county, to consist of from fifty to one hundred men, as the case may be.

And that such company shall be compelled to muster twice in each year, and three days at each muster; and that a tax be levied on all those subject to do military duty, to defray the expense, that may accrue from paying each man one dollar per day for each day so spent; with leave to report by bill or otherwise.

On motion of Mr. Stapp,

Resolved, That the committee of Ways and Means be instructed to inquire into the expediency of so amending the law as to require the annual settlement, with county treasurers, and the annual report of the Boards doing county business to be made at the meeting of said boards at their May session, instead of being made at the November session in each year.

On motion of Mr. Cotton of S.

Resolved, That the committee on internal improvements inquire into the expediency of reporting a bill to prohibit the Board of Internal Improvement from making any lettings on the public works, now authorized by law to exceed the annual amounts to be hereafter appropriated by law to the construction of said works; and to appropriate the sum of dollars for the year 1838.

Mr. Porter moved the adoption of the following resolution:

Resolved, That the committee on roads be instructed to inquire into the expediency of so amending the present road law as to provide that no person shall be required to perform more than ten days labor on roads, in any one year, and to provide that supervisors shall not be liable to be indicted for the bad repair of the roads in their respective districts; provided it shall appear that he has required all the labor to be performed on said roads which the law requires.

Mr. Chamberlain moved to amend said resolution by adding:

And also inquire into the expediency of requiring the two day's labor on the roads now required of each individual liable to labor on roads, to be done each year, previous to the first day of July.

Mr. Jones moved to amend said amendment by adding.

And further to inquire what changes are necessary to be made in the law regulating the powers, duties and liabilities of supervisors, and laying off their districts, and defining their boundaries.

Which amendment prevailed.

On motion of Mr. Owen,

Said amendment was further amended by adding:

"And also into the expediency of revising the entire road law."

On motion of Mr. Thompson of A.,

Said amendment was further amended by adding:

"And that the committee inquire into the expediency of amending the law regulating the location of State roads, so as to require all persons who may hereafter petition the General Assembly for the location of a State road, to give notice of such petition to the inhabitants residing on the route of the same, by posting up written notices thereof, at three of the most public places on said route, satisfactory evidence of which notice shall be necessary to the granting of any road so petitioned for."

Mr. Gregory moved that said resolution and pending amendment be laid on the table;

Which was decided in the negative.

Mr. Watson moved that the resolution and pending amendment be indefinitely postponed.

Which was decided in the negative.

Mr. Milroy moved further to amend said amendment by adding:

"And to inquire into the expediency of erasing from the road law all that relates to performing labor on the roads for personal privileges;

Which did not prevail.

Mr. Vandever moved to amend by adding: "and further to amend so as to repeal all laws on the subject of collecting taxes for road purposes."

Which was decided in the negative.

When the amendment was adopted.

And on the question of adopting the resolution as amended,

It was decided in the affirmative.

And the House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

Mr. Davis offered the following resolution,

Resolved, That when this House adjourns on Saturday evening next, it adjourns to meet on Tuesday morning afterwards at 9 o'clock, A. M.

Mr. Matlock moved to strike out "Saturday evening next," and insert "to-morrow at noon."

A division of the question being called for, was put on striking out,
And decided in the negative.

On motion of Mr. Judah,

Said resolution was amended by striking out the words, "evening next," after Saturday.

Mr. Hubbard moved to strike out "Tuesday" and insert "Thursday."
Which was decided in the negative.

When,

On motion of Mr. Burns,

It was amended by adding, "and that those members who do not desire to visit their homes at the public expense, in the interim shall be permitted to attend the ball, provided, they can procure tickets at their own expense."

On motion of Mr. Arnold,

Said resolution was laid upon the table.

On motion of Mr. Gregory,

Resolved, That the House of Representatives will, the Senate concurring therein, commence the revision of the statute laws of this State on Thursday the 27th inst.

And that the Senate be informed of the adoption of this resolutions and their concurrence asked therein.

And that a Joint Committee be appointed to act as a committee of Revision and that said committee consist of 9 members on the part of this House.

And the ayes and noes being requested thereon by Messrs. Crume and Walpole.

Those who voted in the affirmative were:

Messrs. Berry, Boon, Boyd, Bryce, Brown, Burns, Carleton, Carr, Cotton of S. Crume, Cunningham, Dowling, Eldridge, Gaddis, Garrigus, Graham, Gregory, Haddon, Hamel, Hanna, Henley, Hocker, Howell, Hubbard, Huff, Huston, Jackson, Kenton, Lane, Macy, Major, Miller, Milroy, Monroe, Morrison, Murphy, Nickel, Noel, Osborn, Pabody, Peaslee, Perine, Porter, Reeve, Richey, Robbins, Roc, Smith of W. Smydth of C. Tannehill, Thompson of F. Vandever, Walpole, Watson, Williams of L. Williams of R. Wilson, Wines of G. and W. Zenor and Mr. Speaker.—59.

Those who voted in the negative were:

Messrs. Arnold, Bennett, Blair, Champer, Cotton of P., Cox, Davis, Ferguson, Ferris, Glenn, Hawkins, Haymond, Helmer, Henricks, Herri-man, Hood, Hurst, Jones, Judah, Lee, Leviston, M-tlock, McClure, McCrillus, Noble, Owen, Proffit, Ristine, Shook, Sims, Stapp, Thompson of A., Vance, Whitman, Williams of W. Wines of V. and Wyman.—39.

So said resolution was adopted.

Ordered, That the clerk inform the Senate and ask their concurrence therein.

The Speaker appointed Messrs. Hamel, Wilson, Gaddis, Noel and Noble as an addition to the committee on the State Library.

Mr. Berry introduced a bill No. 79, to prescribe the mode of electing members of the Board of Internal Improvement;

Which was read the first time and passed to a second reading on to-morrow.

And then the House adjourned until to-morrow morning 9 o'clock.

FRIDAY MORNING, DECEMBER 22, 1837.

The House met pursuant to adjournment.

Mr. Owen presented the petition of Ezekiel Dukes and others for a state road from West Franklin to Cynthiana;

Which was referred to the committee on Roads.

Mr. Gregory presented the petition of John Smith and others asking that the county of Jasper be organized;

Which was read and referred to a select committee of Messrs. Gregory, Kenton and Huff.

Mr. Zenor presented the petition of Hays McCallan and others, asking

that the name of the town of Carthage be changed to that of Athens, and the privilege of electing a justice of the peace for said town;

Which was read and referred to a select committee of Messrs. Zenor, Wilcox and McCrillis.

Mr. Richey presented the petition of Lewis Moore and others on the subject of township elections in the county of Delaware;

Which was read and referred to a select committee of Messrs. Richey, Milroy and Vance.

Mr. Carleton presented the petition of Nelson Smith and others, for a State road from Covington to Lafayette.

Which was read and referred to the committee on Roads.

Mr. Cotton of S. presented the petition of R. B. Cotton, late Sheriff of Switzerland county;

Which was read and referred to the committee on Claims.

Mr. Crume presented the remonstrance of R. S. Brown and others, against dissolving the corporation of the town of Connersville;

Which was referred to the same select committee to whom petitions on that subject were referred.

Mr. Crume presented the petition of Thomas Stiles and others, for a State road from Carthage to the White Water Canal;

Which was read and referred to the committee on Roads.

Mr. Carleton presented the petition of W. B. White and others, asking that certain relief be granted to Thomas Patton;

Which was referred to the committee on Claims.

Mr. Milroy presented the petition of N. B. Dewey and others, for a State road from Delphi in Carrol county, to Monticello in White county;

Which was referred to the committee on Roads.

Mr. Proffit presented the petition of sundry citizens of Pike county, on the subject of the law authorizing the granting of license to vend merchandize;

Which was read and referred to the committee of Ways and Means.

On motion,

Leave of absence was granted to Mr. Huff for ten days.

The following message was received from the Senate, by Mr. Test, their Secretary:

Mr. SPEAKER:

I am instructed by the Senate to inform the House of Representatives, that the Senate has adopted the following resolution:

Resolved, That the Senate will, (the House of Representatives concurring therein) when it adjourns on Saturday the 23d instant, adjourn to meet on Thursday the 27th instant.

In which the concurrence of the House of Representatives is requested.

Mr. Owen moved that the resolution of the Senate be concurred in with an amendment, to strike out "Thursday" and insert "Wednesday,"

Which was decided in the negative.

Mr. Bryce moved that the House concur with an amendment to strike out "Thursday" and insert "Tuesday."

A division being requested, the question was taken on striking out "Thursday" and decided in the negative.

When the question was put, will the House concur in the resolution of the Senate.

And the ayes and noes being requested thereon by Messrs. Bennett and Ferris,

Those who voted in the affirmative were:

Messrs. Blair, Boon, Chamberlain, Champer, Crume, Cunningham, Eldridge, Glenn, Gregory, Hawkins, Haymond, Henley, Herriman, Hood, Hubbard, Huff, Hurst, Kenton, Lane, Leviston, Marshall, Morrison, Murphy, Nickel, Noble, Peaslee, Porter, Reeve, Robbins, Roe, Sims, Stapp, Thompson of A., Williams of W., Wilson, Wines of G. and W., Wines of V., Zenor and Mr. Speaker—41.

Those who voted in the negative, were

Messrs. Arnold, Bennett, Berry, Boyd, Bryce, Brown, Carleton, Carr, Cotton of P., Cotton of S., Cox, Davis, Dowling, Ferguson, Ferris, Gaddis, Garrigus, Graham, Haddon, Hamel, Helmer, Henrieks, Hocker, Howell, Huston, Jackson, Jones, Judah, Major, Matlock, McClure, McCrillus, Miller, Milroy, Monroe, Noel, Osborn, Owen, Pabody, Perine, Proffit, Richey, Ristine, Shook, Smith of W., Smydth of C., Tannehill, Thompson of F., Vance, Vandever, Walpole, Watson, Whitman, Williams of L., Williams of R. and Wyman—56.

So said resolution was not concurred in.

The Speaker laid before the House a communication from the President of the State Bank, on the subject of the action of their agent in convention, in reference to the resumption of specie payments.

Which was read and referred to the committee on the State Bank.

Mr. Glenn from the committee of Ways and Means, to whom was re-

ferred so much of the Governor's Message "as relates to the defective mode of assessing the revenue;"

Reported a bill No. 80, to provide for the election of county assessors;

Which was read the first time and passed to a second reading on tomorrow.

Mr. Osborn from the committee of Ways and Means made the following report:

MR. SPEAKER:

The committee of Ways and Means to whom was referred a resolution of the House instructing said committee to inquire into the expediency of changing the mode of assessing real estate by a State Board of Assessors, to be chosen by joint ballot of the General Assembly, and the assessments to remain unchanged for five years, have had the same under their consideration, and have directed me to report; that it is inexpedient to legislate upon that subject, and ask to be discharged from the further consideration thereof.

On motion of Mr. Stapp,

Said report was laid upon the table.

On motion of Chamberlain,

The vote referring to the committee on the State Bank the communication of the President of the State Bank on the subject of the correspondence between the Bank and their Agent east relative to the resumption of specie payment;

Was reconsidered,

And laid upon the table.

Mr. Crume from the committee of Ways and Means made the following report:

MR. SPEAKER:

The committee of Ways and Means to whom was referred a bill of this House, No. 47, entitled "a bill relating to the collection of the State and County Revenue," did, after due consideration thereon, direct me to report the same back to the House with an amendment as an additional section.

On motion,

The House concurred in the amendment made by the committee.

The rule was then suspended.

The bill read the third time,

And passed.

Ordered That the clerk inform the Senate, and ask their concurrence therein.

Mr. Chamberlain from the Judiciary committee made the following report:

MR. SPEAKER:

The committee on the Judiciary to whom was referred "a bill No. 27, to authorize the Commissioners of Kosciusko county to recover a certain amount of the three per cent. fund heretofore appropriated to that county," have had that subject under consideration, and directed me to report said bill back to this House with amendments.

On motion,

The House concurred in the amendments made by the committee.

And the bill was ordered to a third reading on to-morrow.

Mr. Sims from the select committee to whom petitions on that subject were referred, reported a bill No. 81, to incorporate the town of Martinsville in Morgan county;

Which was read the first time and passed to a second reading on to-morrow.

On motion of Mr. Proffit,

Resolved, That the committee on Canals and Internal Improvements be instructed to inquire into the expediency of providing by law for the more certain payment of the wages which may be due to laborers on the public works.

On motion of Mr. Murphy,

Resolved, That the committee on Education be instructed to enquire into the expediency of providing by law for the appropriation and immediate use of the 124 cents on each share of Bank stock set apart by the charter of the State Bank of Indiana for the purposes of Common School Education.

On motion of Mr. Arnold,

Resolved, That the committee on Canals and Internal Improvements be requested to report to this House, the number of officers now employed on the public works which can be dispensed with the ensuing year.

On motion of Mr. Bryce,

Resolved, That a select committee be appointed, consisting of all the members of the first Judicial Circuit, to enquire into the expediency of altering the time of holding courts in the different counties in said circuit, so as to give a longer time for holding said courts. Also to enquire into the expediency of allowing the counties in said circuit three terms

in each year. And that the said committee have leave to report by bill or otherwise.

Whereupon the Speaker announced

Messrs. Bryce, Huff, Carleton, Watson, Kenton, Major, Lane, Noel, Ristine, Garrigus, Burns, Porter, Gregory and Milroy as said committee.

Mr. Stapp offered the following resolution:

Resolved, That the report made by the Board of Internal Improvement to this House in answer to a resolution of the House "calling on said Board for information relative to the number of Engineers, assistant engineers, with their necessary attendants, now in the employ of the State: with a statement in detail of the compensation allowed to each of those officers and attendants, together with an aggregate statement of the entire annual contingent expense, including pay to commissioners, clerk hire, &c. of the system of Internal Improvement as now progressing" is satisfactory to this House, and that the order of yesterday referring said report and resolution back to the Board for a more perfect answer, be and the same is hereby rescinded.

Mr. Smith of Wayne moved to amend said resolution by adding the following: "And that the House will wait on the Board until they shall find it convenient to communicate the remainder of the information which has been called for."

A question of order arising as to the propriety of introducing said resolution to rescind a previous order of the House,

The Speaker decided the resolution in order.

From which opinion an appeal was taken by Messrs. Bennett and Henley.

And the question being put, is the decision of the chair correct?

Those who voted in the affirmative, were

Messrs. Berry, Boyd, Bryce, Burns, Carleton, Carr, Chamberlain, Cotton of P., Cotton of S., Cox, Crume, Cunningham, Davis, Dowling, Eldridge, Ferguson, Ferris, Gaddis, Haddon, Hamel, Hawkins, Haymond, Helmer, Herriman, Hocker, Hood, Howell, Hubbard, Huff, Hurst, Huston, Jackson, Jones, Judah, Kenton, Lane, Leviston, Macy, Marshall, Matlock, McClure, McCrillus, Miller, Monroe, Morrison, Murphey, Nickel, Noble, Noel, Osborn, Owen, Pabody, Peaslee, Perine, Porter, Proffit, Reeve, Ritchey, Ristine, Robbins, Shook, Sims, Smith of W., Smydth of C., Stapp, Tannehill, Thompson of A., Thompson of F., Vance, Vandever, Walpole, Watson, Whitman, Williams of L., Williams of R., Williams of W., Wilson, Wines of G. & W., Wines of V., Wyman and Zenor—80.

Those who voted in the negative, were

Messrs. Arnold, Bennett, Blair, Boon, Brown, Garrigus, Glenn, Gregory, Henley, Majer, Milroy and Roe—12.

So the decision of the Chair was sustained.

And before any decision was had on the resolution and pending amendment; the time allotted for the introduction and discussion of resolutions expired.

And the House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

On motion of Mr. Smith of W.,

The vote on concurring in the resolution of the Senate "to adjourn from Saturday the 23rd instant until Thursday the 28th instant," was reconsidered.

When,

Mr. Bryce moved that said resolution be laid upon the table,

Which was decided in the negative.

The question then recurring, will the House concur in said resolution; and the

Ayes and Noes being requested thereon by Messrs. Dowling and Davis.

Those who voted in the affirmative, were

Messrs. Blair, Chamberlain, Cox, Crum, Cunningham, Eldridge, Ferguson, Gaddis, Glenn, Gregory, Hamel, Hawkins, Haymond, Henley, Herrimen, Hocker, Hood, Hubbard, Huff, Hurst, Jackson, Judah, Kenton, Lane, Leviston, Macy, Marshall, Monroe, Morrison, Murphey, Noble, Peaslee, Perine, Porter, Proffit, Reeve, Richey, Robbins, Roe, Sims, Stapp, Tannehill, Thompson of A., Vandever, Whitman, Williams of W., Wilson, Wines of G. & W., Wines of V., Wyman, Zenor and Mr. Speaker—52.

Those who voted in the negative, were

Messrs. Arnold, Bennett, Berry, Boyd, Bryce, Brown, Burns, Carleton, Carr, Cotton of P., Cotton of S., Davis, Dowling, Ferris, Garrigus, Graham, Haddon, Helmer, Howell, Huston, Huff, Major, McClure, McCrillus, Milroy, Noel, Osborn, Owen, Pabody, Restine, Shook, Smith of W., Smyth of C., Thompson of F., Vance, Walpole, Watson, Williams of L., and Williams of R—36.

So said resolution was concurred in.

Mr. Graham from the committee on enrolled bills made the following report—

MR. SPEAKER:

The joint committee on enrolled bills report, that they did this day compare the enrolled with the engrossed joint memorial of the Senate, No. 6, entitled "a joint memorial of the General Assembly of the State of Indiana, in relation to the Harbour at Michigan City."

Also, that they did compare the enrolled with the engrossed bill of the Senate No. 25, entitled "an act to incorporate the American Cannel Coal Company," and find the same truly enrolled.

Thereupon the Speaker signed the same.

Ordered, That the clerk carry them to the Senate for the signature of their president.

On motion of Mr. Crume,

Mr. Richey was added to the committee on Ways and Means, and the committee on claims.

The following message was received from the Senate by Mr. Test their Secretary.

MR. SPEAKER:

I am instructed by the Senate to inform the House of Representatives that the Senate have passed engrossed bills of the Senate entitled,

No. 37, an act to provide for the collection of a part of the revenue of Laporte county and for other purposes.

No. 39, an act authorizing the sale of certain school lands therein named, and for other purposes.

In which the concurrence of the House is respectfully requested.

The bills accompanying said message were severally read three times, the rule having been dispensed with;

And passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Gregory introduced a bill

No. 82. Appropriating the three per cent. fund belonging to the county of Warren.

Mr. Williams of L. introduced a bill

No. 83. To amend an act entitled "an act to provide for opening and repairing public roads and highways in the counties of Owen, Lawrence and Green, approved Feb. 1st, 1836.

Mr. Carr introduced a bill

No. 84. To legalize the acts of the Recorder of Jackson county.

Mr. Walpole introduced a bill

No. 85. To amend an act, entitled "an act regulating the admission and practice of attorneys and counsellors at law," approved Jan. 31st, 1824,

Which were severally read the first time and passed to a second reading on to-morrow.

Mr. Owen having obtained leave, made the following report:

MR. SPEAKER:

The select committee to which was referred the petition of Elen D. Edson and others praying for an alteration of the act relative to the Posey county Seminary, have had the subject under consideration and have instructed me to report a bill,

No. 86. providing the number and mode of electing Trustees of the Posey county Seminary,

Which was read the first time and passed to a second on to-morrow,

Mr. Smith of W., introduced a bill

No. 87. supplemental to an act for the appointment of county Surveyors and their deputies,

Which was read the first time and passed to a second reading on to-morrow.

Mr. Glenn having obtained leave made the following report:

MR. SPEAKER:

The select committee, to whom was referred the petitions of sundry citizens of Dearborn county praying for a review on a certain state road therein named, have directed me to report a bill,

No. 88. To re-locate a state road in Dearborn county,

Which was read the first time and passed to a second reading on to-morrow.

Mr. Chamberlain having obtained leave, offered the following resolution:

Resolved, That in calls made by this House for Documents, correspondence, &c. it has a right to the possession of all to which such call refers, and not to extracts, or parts thereof.

Resolved, That the President of the State Bank be directed to transmit to this House, the *entire* correspondence of Mr. Isaac Coe, in relation to his official conduct, as Agent of the State Bank in the convention of Banks at New York in November last, in compliance with the terms of the resolution heretofore adopted on that subject.

Mr. Cotton of S. moved that said resolution be indefinitely postponed,

And before any decision was had thereon the House adjourned until to-morrow morning 9 o'clock.

SATURDAY MORNING, DEC. 23^d, 1837.

The House met pursuant to adjournment.

The Speaker laid before the House the annual report of William Polke, commissioner of the Michigan Road, with sundry documents accompanying the same,

Which were referred to the committee on Canals and Internal Improvements.

Ordered, That 200 copies thereof be printed.

On motion of Mr. Judah,

Resolved, That a committee, to be composed of one member of this House for each congressional district be appointed.

That such committee have the authority of this House, to summons before them, all such persons as may be necessary with any papers that may be required, and that such committee have the liberty to sit if necessary, while the House is in session.

And *Resolved*, That it be the duty of the said committee to examine into the business and conduct of the State Bank of Indiana and its Branches, and to make a full investigation into the conduct of the commissioners of the Sinking Fund in the investment of the money under their management, or otherwise,

And report all the evidence to this House.

And also *Resolved*, That said committee enquire and report whether any, and if any, what amendments are necessary in the Bank Charter to secure the public good by providing such "guards and restrictions" and such "checks" and "restraints" as will be sufficient under all circumstances to prevent imposition or misconduct.

Thereupon the Speaker appointed Messrs. Judah, Proffit, Marshall, Crume, Chamberlain, Sims and Reeve, as a committee on said resolution.

On motion of Mr. Hamel,

Resolved, That the Representative Hall be tendered to the committee of arrangements respectively of the Colonization Society, and the Education Convention, for their contemplated meetings on Monday evening and on Tuesday and Wednesday next.

Mr. Haymond obtained leave of absence until the 1st day of January.

And Mr. Crume obtained leave for this day.

Mr. Owen presented the petition of sundry citizens of Posey county, relative to the improvement of the Wabash river, accompanied by a report of an engineer and other documents, in reference thereto.

Which were referred to the committee on Canals and Internal Improvements;

And 200 copies thereof ordered to be printed.

On motion of Mr. Thompson of A.,

Resolved, That there be a committee of three appointed on the part of this House, to act with a similar committee on the part of the Senate, whose duty it shall be to examine the archives of this State for the last five years, with power to send for persons and papers;

And that the Clerk inform the Senate of the adoption of this resolution, and ask a similar resolution on their part.

Ordered, That Messrs. Thompson of A., Lane and Dowling be that committee.

The Speaker announced Messrs. Judah, Marshall, Gregory, Jones, Huff, Peaslee, Stapp, Owen and Carleton as a committee of Revision on the part of this House.

Mr. Gregory from the select committee to whom was referred the petition of John Smith and others, asking that the county of Jasper be organized, reported

A bill No. 89, organizing Jasper county;

Which was read the first time, and passed to a second reading on Thursday next.

Mr. Thompson of F. presented the petition of Joshua Venson and others, for a State road from Dublin in Wayne county, to Harrisburg in Fayette county;

Which was read and referred to a select committee of Messrs. Thompson of F., Crume and Hawkins.

Mr. Arnold presented the remonstrance of A. C. Campbell and others, against a change in the Vevay and Rising Sun State road;

Which was read and referred to the committee on Roads.

Mr. McCrillus presented the annual report of the Levenworth Savings Institution;

Which was read and referred to the committee on Corporations.

Mr. Gregory from the committee on Roads, made the following report:

MR. SPEAKER:

The committee on Roads to whom was referred several resolutions on the subject of amendments, and a revision of the entire law for repairing public roads and highways, have had them under consideration, and have agreed to report that inasmuch as the legislature has agreed to make a general revision of the statute laws, deem it more expedient that those resolutions should be referred to the committee on the revision of the road law.

Which was concurred in by the House.

Mr. Garrigus from the committee on roads, to whom was referred bill No. 53, declaring Big Raccoon Creek a public highway, reported the same back without amendment;

And said bill was ordered to a third reading on Thursday next.

Mr. Stapp from the committee on Canals and Internal Improvements, made the following report;

Which was read and concurred in.

MR. SPEAKER:

The committee on Canals and Internal Improvements, to which was referred that part of James B. Johnson's report to the Board of Internal Improvement, which relates to the construction of a lock at the pool dam on the Wabash river near Delphi, in Carroll county, have had the same under their consideration, and now report: That while we accord to Mr. Johnson the best of motives in recommending the construction of a lock at said dam for the passage of such boats, rafts, &c. as ordinarily float on the bosom of that river, and give him credit for the economizing spirit introduced into that report; yet they are constrained to believe that the public interest and vested rights require that such a lock should be constructed as to admit the passage of such steamboats as have usually ascended the river above this point: And that in their opinion, a fair construction of the act entitled "an act to provide for a lock in the pool dam near Delphi, approved Feb. 2nd, 1837, not only authorizes the construction of such a lock as is last above named, but that it is imperative on the Board of Internal Improvement to construct a lock large enough to admit steamboats of the size that ordinarily do business on the Wabash river. But your committee has been apprised that the Board of Internal Improvement have expressed opinions on the subject above referred to, similar to those advanced by the committee, as is shewn by the following resolutions of said Board, to wit;

Resolved, That it is the opinion of this Board that from the letter of said act, a steamboat lock should be constructed at said dam.

Resolved further, That the acting commissioners on said line cause the said lock to be so constructed.

The committee for these reasons have instructed me to report that legislative action on the subject matter referred to them is unnecessary at this time, and to ask to be discharged from the further consideration thereof.

The resolution on the subject of rescinding a previous order of the House in reference to the report from the Board of Internal Improvement was then taken up.

Mr. Glenn moved that said resolution be indefinitely postponed

When,

Mr. Bryce moved that the House adjourn.

And the ayes and noes being requested thereon by Messrs. Bennett and Dowling,

Those who voted in the affirmative were

Messrs. Boyd, Bryce, Brown, Burns, Carleton, Carr, Champer, Cotton of P. Eldridge, Garrigus, Gregory, Hamel, Hanna, Hawkins, Herriman, Hood, Huff, Hurst, Huston, Macy, Major, Matlock, McCrillus, Milroy, Monroe, Morrison, Noel, Perine, Porter, Proffit, Richey, Ristine, Robbins, Thompson of A., Whitman, Wilson, Wines of G. and W. Wyman, and Zenor.—38.

Those who voted in the negative were,

Messrs. Arnold, Bennett, Chamberlain, Cotton of S., Cox, Davis, Dowling, Ferguson, Ferris, Gaddis, Glenn, Graham, Haddon, Henly, Henricks, Hocker, Howell, Jackson, Judah, Lane, Marshall, McClure, Miller, Osborn, Owen, Pabody, Roe, Shook, Smith of W. Smydth of C., Stapp, Tannehill, Thompson of F., Vandever, Watson, Williams of L., Williams of R., and Mr. Speaker.—38.

So the House did not adjourn.

The question then recurring on the indefinite postponement of the resolution,

Before any decision was had thereon, the House adjourned, until Thursday, the 28th inst.

THURSDAY MORNING, December 23, 1837.

The House met pursuant to adjournment.

The Speaker laid before the House two reports from the Commissioners of the Sinking Fund in answer to a resolution of the House;

Which was read and referred to the select committee appointed to investigate the affairs of the State Bank and Sinking Fund, and 200 copies ordered to be printed.

The Speaker laid before the House a communication from the Board of Internal Improvement in reference to lettings or contracts on the Jeffersonville and Crawfordsville Road in answer to a resolution of the House;

Which was read and laid upon the table.

Mr. Walpole presented the petition of William Gilbreath and others of Hancock county, that a road therein named be declared a State road;

Which was referred to a select committee of Messrs. Walpole, Reeve, and Bennett.

Mr. Smydth of C. presented the petition of John Crossley and others, asking a revision of the laws and an uniform mode of doing county business by Boards of Commissioners;

Which was read and referred to a select committee of Messrs. Smydth of Clay, Noel and Porter.

Mr. Tannehill presented the petition of John M. Dunbar and others of the county of Brown, asking to be attached to the county of Bartholomew for Representative purposes;

Which was read and referred to the same select committee to which other petitions on that subject were referred.

Mr. Walpole presented the petition of John F. Smith and others.

Also, the petition of William Thompson and others, asking that the county of Hancock be attached to the sixth Judicial Circuit;

Which were read and laid upon the table.

Mr. Macy presented the remonstrance of sundry citizens of the county of Hancock against attaching said county to the sixth Judicial Circuit;

Which was read and laid upon the table.

Mr. Hanna presented the petition of Caleb Railsback and others for an appropriation to build a bridge across Eagle creek on the Crawfordsville and Indianapolis State Road;

Which was read and referred to the committee on Roads.

Mr. Watson presented the petition of sundry citizens of the counties of Clinton and Tippecanoe for the location of a State road in said counties;

Which was read and referred to the committee on Roads.

Mr. Zenor presented the petition of Thomas Rodgers and others for the incorporation of a steam mill company in Harrison county;

Which was read and referred to a select committee of Messrs. Zenor, Wilson and Huston.

Mr. Hubbard presented the petition of Alexander Jones and others for a change in the act incorporating the town of Milton in Wayne county,

Which was referred to a select committee of Messrs. Hubbard, Hawkins and Williams of W.

Mr. Henricks presented the petition of Thomas S. Stanfield and others, of the counties of Elkhart and St. Joseph, for the establishment of a State road in said counties.

Which was referred to the committee on Roads.

Mr. Vandever presented the petition of W. A. Bowles and others for the incorporation of the town of Paoli in Orange county:

Which was laid upon the table.

Mr. Howell presented the petition of Thomas P. Britton and others, for an act to incorporate the town of Rockport;

Which was read and referred to the committee on Corporations.

Mr. Jones presented the memorial of the Board of Commissioners of Vandeburg county, for the establishment of certain State roads,

Which was referred to the committee on roads.

The House resumed the consideration of the resolution pending when the House adjourned on Saturday the 23d inst. to rescind a previous order of the House.

The pending question to postpone indefinitely, was withdrawn,

When,

On motion of Mr. Owen,

Said resolution was amended by adding:

"And that the Board of Internal Improvement be requested to furnish the additional information required by said resolution, and which the Board has stated it cannot at the moment furnish, at the earliest day it can conveniently be furnished by the Board, and in such form as to make, with the information already given, one entire tabular statement."

Mr. Noel moved to amend the original resolution by adding after the word "satisfactory," the words "as far as it goes."

Which did not prevail.

Mr. Gregory moved to strike out the word "rescind;"

Which did not prevail.

The question then recurring on the adoption of the resolution as amended.

The ayes and noes being requested thereon, by Messrs. Wilson and Glenn,

Those who voted in the affirmative, were

Messrs. Boyd, Bryce, Carleton, Chamberlain, Champer, Cox, Dowl-

ing, Ferris, Gaddis, Graham, Hamel, Hanna, Hawkins, Helmer, Henricks, Herriman, Hocker, Hubbard, Huston, Jones, Judah, Lane, Lee, Macy, Marshall, McClure, McCrillus, Miller, Morrison, Noble, Osborn, Owen, Pabody, Perine, Proffit, Reeve, Robbins, Smith of W., Smydth of C., Tannehill, Thompson of F., Vance, Vandever, Watson, Whitman, Williams of L., Williams of R., Williams of W., Wines of G. & W., Wyman, and Mr. Speaker—51.

Those who voted in the negative, were

Messrs. Arnold, Bennett, Blair, Boon, Brown, Burns, Carr, Cotton of P., Cotton of S., Ferguson, Garrigus, Glenn, Gregory, Haddon, Henley, Howell, Hurst, Jackson, Major, Nickel, Noel, Peaslee, Porter, Roe, Walpole, Wilson and Zenor—27.

So said resolution as amended was adopted.

The House then resumed the consideration of the resolution offered by Mr. Chamberlain, and under consideration on Saturday last, when the hour for resolutions expired.

The motion to postpone was withdrawn.

When,

On motion of Mr. Owen,

The original resolution was stricken out from the resolving clause, and the following substituted in lieu thereof.

“That the President of the State Bank be requested to lay before the House the remainder of the communication, from the agent who represented the State Bank of Indiana in the New York Convention, in reference to the votes of said agent in said Convention, and his reasons therefor.

When the question on adopting the resolution as amended was decided in the affirmative.

And the House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

And resolved itself into a committee of the whole on the joint resolution No. 5, relative to the admission of Texas into the Union, Mr. Gregory in the chair.

And after some time spent therein the committee rose and reported the same back to the House without amendment.

And asked leave to sit again.

Which was not granted.

Mr. Judah moved that said joint resolution be indefinitely postponed.

And before any decision thereon, the House adjourned until to-morrow morning 9 o'clock.

FRIDAY MORNING, DEC. 29th, 1837.

The Speaker laid before the House a report from the Commissioners of the Sinking Fund giving a detailed statement of the operation of said Fund, showing how much is loaned and to whom, &c.

Which,

Was referred to the select committee appointed to investigate the affairs of the State Bank, &c.

And 200 copies ordered to be printed.

On motion leave of absence was granted:

To Mr. Chamberlain for this day.

To Mr. Davis for four days.

To Mr. Dowling for four days.

Mr. Henricks presented the petition of Alonzo Delano and others for the change of the name of the St. Joseph Iron Works to that of "Mishawaka" and for other purposes.

Which was read and referred to a select committee of Messrs. Henricks, McClure and Hamel.

Mr. Arnold presented the petition of John D. Moore and others for the incorporation of a company to make a McAdamized road from Harrison to Napoleon.

Which was read and referred to a select committee of Messrs. Arnold, Glenn and Ferris.

Mr. Carr presented the petition of E. L. Dunbar and others asking an extension of the terms of the Circuit Court in Jackson County.

Which,

Was referred to the committee on the judiciary.

Mr. Vance presented the petition of J. B. Maxwell and others for a State road from Muncietown via Frankfort to Lafayette.

Which was read and referred to the committee on roads.

Mr. Carleton presented the petition of Calvin M. Chaney asking the passage of an act to establish the name of said petitioner.

Which was read and referred to a select committee of Messrs. Carleton, Lane and Watson.

Mr. Macy from the select committee to which was referred a petition on that subject reported a bill No. 90, to incorporate the Knightstown Canal Manufacturing and Trading Company.

Which was read the first time and passed to a second reading on tomorrow.

On motion of Mr. Lane,

Resolved, That a select committee be appointed to enquire into the expediency of allowing and authorizing Brown township, in Montgomery county, in this State, to elect an additional justice of the peace to reside in the town of Waveland, in said township, with leave to report by bill or otherwise.

Messrs. Lane, Restine and Bryce, were appointed said committee.

On motion of Mr. Jones,

Resolved, That a select committee consisting of the members from the 4th judicial circuit be instructed to enquire into the expediency of extending the length, and increasing the number of terms of the circuit court in that circuit, with leave to report by bill or otherwise.

Thereupon Messrs. Jones, Proffit, Howell, McCrillus, Owen, Miller, Graham and Cotton of P., were appointed that committee.

On motion of Mr. Robbins,

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of so amending the law in relation to the jurisdiction of justices of the peace, as to require all pleas bringing the title of land in question to be sworn to, with leave to report by bill or otherwise.

Mr. Graham from the committee on enrolled bills made the following report:

MR. SPEAKER:—

The joint committee on enrolled bills report, that they did this day compare the enrolled with the engrossed bills of the House entitled No. 7, "an act to amend an act entitled an act to appropriate the three per cent. fund in certain counties therein named, approved February 4, 1837," No. 23, "an act for the relief of E. M. Jones," and find the same truly enrolled.

Thereupon the Speaker signed the same.

Ordered, That the clerk carry them to the Senate for the signature of their President.

On motion of Mr. Smyth of C.,

Resolved, That the committee of Ways and Means enquire into the expediency of so changing that portion of an act entitled "an act to provide for distributing so much of the surplus revenue of the United States as the State of Indiana may be entitled to receive by virtue of an act of Congress," approved June 23, 1836, as gives the power of appointing the agents of the surplus revenue for the several counties in this State to the Legislature, and provide that they be elected in the several counties.

Mr. Blair offered the following resolution,

Resolved, That the committee on elections be instructed to enquire into the expediency of so changing the mode of electing constables, supervisors of roads, overseers of the poor, and fence viewers, as to authorize the board doing county business to appoint them in each township, with leave to report by bill or otherwise,

Which was laid upon the table.

On motion of Mr. Smyth of C.,

Resolved, That the committee of Ways and Means be instructed to enquire into the expediency of so changing the 19th section of an act entitled "an act to provide for distributing so much of the surplus revenue of the United States, as the State of Indiana may be entitled to and receive, by virtue of an act of Congress, approved 23d June, 1836, as not to give any preference to persons wishing to borrow said surplus revenue.

Mr. Whitman offered the following resolution,

Resolved, That a select committee of nine be appointed with power to send for persons and papers, to enquire into all matters relating to or connected with the acts and doings of the board of public works in relation to the Jeffersonville, New Albany and Crawfordsville road; and

to examine all the reports of Engineers of said road; and to ascertain why the character of said road has not been determined on by the board of public works; also, to enquire of the principal engineer for any information relative to said road.

Which was laid upon the table.

Mr. Graham from the committee on enrolled bills made the following report:

MR. SPEAKER:

The joint committee on enrolled bills report, that they did this day present to His Excellency the Governor for his approval and signature the following bills to-wit:

No. 25, an act to incorporate the American Cannel Coal Company.

No. 32, an act to legalize the acts of the Fayette County Bridge Company.

No. 6, a joint memorial of the General Assembly of the State of Indiana in relation to the Harbour at Michigan City.

The following message was received from the Governor by Mr. Maguire, his private Secretary.

MR. SPEAKER:

The Governor has approved and signed a memorial and acts entitled as follows, viz:

An act to incorporate the American Cannel Coal Company.

A joint memorial of the General Assembly of the State of Indiana in relation to the Harbour at Michigan City, and

An act to legalize the acts of the Fayette County Bridge Commissioners.

The two former of which originated in the Senate and the latter in the House of Representatives.

On motion of Mr. Peaslee,

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of re-organizing the several judicial circuits, and whether any additional circuits are necessary; and whether any additional terms are necessary, with leave to report by bill or otherwise.

On motion of Mr. Vandever,

Resolved, That a select committee be appointed composed of all the

Representation from the second judicial circuit, to take into consideration the propriety of fixing the time of holding courts therein, with leave to report by bill or otherwise.

Messrs. Vandever, Whitman, Zenor, Wilson, Carr, Huston, Monroe, Williams of L., Helmer, Henley, Hurst, Ferguson and Roe, were appointed that committee.

On motion of Mr. Matlock,

Resolved, That the committee on education be instructed to enquire into the expediency of revising so much of an act, approved February 8th, 1836, entitled an act to provide for an equitable mode of levying the taxes of this State, as appropriated twelve and a half cents of the poll tax to common school purposes.

On motion of Mr. Noel,

Resolved, That the select committee appointed to revise the astray law be instructed to enquire into the expediency of so amending said law, that when the taker up of an estray wishes to keep the same, instead of suffering it to be sold after the expiration of one year; that it shall be re-appraised.

On motion of Mr. Champer,

Resolved, That the State Board of Internal Improvements be requested to lay before this House as early as possible, the report or reports heretofore made by any engineer or engineers of the Jeffersonville and Crawfordsville Road, that have not been printed, and also the report of Mr. Fontleroy; and that the Clerk of this House send this resolution to said Board immediately.

On motion of Watson,

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of so amending the law defining the duties of justices of the peace, as to make it general throughout the State; and also to enquire into the expediency of so amending said law as to confine their jurisdiction to their several townships in all civil cases, with leave to report by bill or otherwise.

On motion of Mr. Osborn,

Resolved, That the judiciary committee be instructed to enquire whether the 5th and 6th sections of an act regulating the jurisdiction and duties of justices of the peace, approved February 10th, 1831, as relates to justices of the peace assessing fines on persons guilty of assault and battery, affrays or other breaches of the peace, above the amount of *three dollars*, is in true conformity to the Constitution of this State; with leave to report by bill or otherwise.

On motion of Mr. Wilson,

Resolved, That in all cases where reports from state officers or others are ordered to be printed for the use of this House; that the printers thereof be directed to print an additional number of 300 copies thereof, over and above those ordered by the House, which said additional copies shall be deposited at the Book-Binder's or otherwise preserved, so that the same may be bound together to constitute a Documentary Journal; one copy of which to be stitched with paper covers, to be distributed to each member; one copy stitched and covered in like manner to be deposited in the clerk's office of each county; and ten copies to be bound in Boards, to be deposited in the State Library, and that the clerk be directed not to place such documents on the Journal of this House but to hand over the same with the Journals to the printer, for the purposes of meeting the objects of this resolution.

Mr. Burns introduced a bill No. 91, providing for the safety of stage passengers.

Mr. Vandever introduced a bill No. 92, to incorporate the Paoli Savings Institution.

Mr. Hamel introduced a bill No. 93 to legalize the election and official acts of the judge of Probate in Lake county,

Which were severally read the first time, and passed to a second reading on to-morrow.

The House then proceeded to the orders of the day.

BILLS OF THE HOUSE.

No. 3, to amend the act incorporating the Aurora and Napoleon Turnpike company, and to legalize the proceedings of the Board of Directors of said company.

No. 44, to incorporate the Lagro and Wabash Bridge Company.

No. 48, to repeal an act entitled "an act relating to the jurisdiction and duties of justices of the peace in Clay county.

No. 50, regulating the jurisdiction of justices of the peace in Morgan county.

No. 58, to amend an act to appropriate part of the three per cent. fund in the county of Bartholomew, approved Feb. 3d, 1837.

No. 59, a joint resolution respecting the extension of the franking privilege.

No. 60, to amend an act entitled "an act to provide for distributing so much of the surplus revenue of the United States as the State of Indiana may be entitled to, and receive by virtue of an act of Congress approved 23d June, 1836.

Were severally read the third time and passed.

Ordered, That the clerk inform the Senate and ask their concurrence in said bills and joint resolution.

No. 61, for the relief of Henry Matthews,

Was read the third time,

And laid upon the table.

No. 62, to amend an act entitled "an act to provide for a General System of Internal Improvement, approved Jan. 27, 1836.

Was read the third time,

And on the question shall said bill pass,

And the Ayes and Noes being requested thereon by Messrs. Vandever and Reeve.

Those who voted in the affirmative, were

Messrs. Boyd, Burns, Hubbard, Lee, Pabody, Proffit, Vandever, Williams of W., Wines of G. & W. and Mr. Speaker.—9.

Those who voted in the negative, were

Messrs. Arnold, Bennett, Blair Boon, Bryce, Brown, Carleton, Carr, Cotton of P., Cotton of S., Cox, Crume, Ferguson, Ferris, Gaddis, Garrigus, Glenn, Graham, Gregory, Haddon, Hamel, Hanna, Hawkins, Helmer, Henley, Henricks, Herriman, Hocker, Howell, Hurst, Huston, Jackson, Judah, Lane, Macy, Major, Marshall, Matlock, McClure, McCrillus, Miller, Morrison, Murphey, Nickel, Noel, Osborn, Owen, Peaslee, Perine, Porter, Puckett, Reeve, Ristine, Robbins, Roe, Smith of W., Smydthof C., Tannehill, Thompson of F., Vance, Walpole, Watson, Whitman, Williams of L., Williams of R., Wilson and Zenor—69.

So said bill did not pass.

No. 63, to provide for a uniform mode of doing county business in the several counties in this State,

Was read the third time and committed to a committee of the whole House, and made the order of the day for Monday next.

No. 71, for the relief of John Carmichael.

No. 9, to legalize the election of Seminary Trustees in Hancock county.

No. 12, to vacate a part of Solomon Romig's addition to the town of Lafayette.

No. 17, to declare a misprint.

No. 22, to legalize the acts of Moses Gray as Recorder of Scott county.

No. 23 of the Senate, to change a part of a State road therein named.

No. 28, of the House, on the subject of appropriation of the three per cent. fund, heretofore appropriated to Orange county.

No. 29, to authorize the sale of a certain school house and lot in the county of Washington.

No. 31, to change the name of the town of Middletown to that of Ogden.

No. 33, appropriating part of the three per cent. fund in the county therein named.

No. 34, for the relief of Joseph Wells.

No. 37, to amend the 16th section of an act relating to State roads, approved Feb. 6, 1837.

No. 38, to incorporate the Marion Fire Engine Company.

No. 42, to repeal an act entitled "an act to provide for opening and repairing public roads and highways in the county of Clay, approved Feb. 2, 1837.

No. 51, granting additional time for the collection of the revenue in Porter county.

No. 54, to re-appropriate a portion of the three per cent. fund appropriated in Dearborn county, by an act approved Feb. 4th, 1837.

No. 57, for opening and repairing public roads and highways in Hancock county.

No. 27, to authorize the commissioners of Kosciusko county to recover a certain amount of the three per cent. fund heretofore appropriated to that county.

No. 53, declaring Big Raccoon in the county of Parke, a public highway,

Were severally read the third time and passed.

Ordered, That the clerk inform the Senate, and ask their concurrence therein.

The bill No. 13, authorizing a change of venue in certain cases therein named, was read the third time and referred to a select committee of Messrs. Berry, Williams of L., Helmer, Gaddis and Cunningham.

No. 11, for the relief of Jonathan Parks,

Was read the third time and referred to a select committee of Messrs Osborn, Hawkins and Macy.

No. 6, locating a State road from Warsaw to Montezuma.

Was read the third time and referred to the committee on Roads.

No. 18, to amend the act for opening and repairing roads and highways, approved Feb. 10, 1831.

Was read the third time and laid upon the table.

No. 43, to amend an act entitled "an act to organize circuit courts and defining their powers and duties, approved Feb. 24th, 1831.

Was read the third time,

And on motion of Mr. Walpole,

Laid upon the table.

The previous orders of the day being suspended,

On motion of Mr. Morrison,

Resolved, That the public printer be directed to appropriate 300 copies of the Report of the Board of Internal Improvements and accompanying documents already printed, to the purposes of the resolution of this day, providing for the printing and binding of three hundred copies of a Documentary Journal.

On motion of Mr. Proffit,

Resolved, That the select committee appointed to investigate the affairs of the State Bank and Branches, be authorized to employ such clerical aid as may be necessary in the discharge of the duties assigned said committee.

The House then proceeded to the consideration of a joint resolution No. on the subject of the admission of Texas into the Union.

Mr. Gregory moved that said resolution be laid upon the table.

And the ayes and noes being requested thereon by Messrs. Proffit and Bennett,

Those who voted in the affirmative were:

Messrs. Bryce, Burns, Carleton, Carr, Cox, Crume, Ferguson, Ferris, Gaddis, Garrigus, Graham, Gregory, Haddon, Hamel, Herriman, Hocker, Hurst, Judah, Lee, Major, Marshall, Matlock, Miller, Morrison, Owen, Pabody, Peaslee, Perine, Puckett, Shook, Thompson of F., Vandever, Watson, Williams of L., and Zenor—35.

Those who voted in the negative, were

Messrs. Arnold, Bennett, Berry, Blair, Boon, Boyd, Brown, Champer, Cotton of P., Cotton of S., Glenn, Hanna, Hawkins, Helmer, Herricks, Howell, Hubbard, Jackson, Macy, McClure, Murphy, Nickel, Noble, Noel, Osborn, Porter, Proffit, Reeve, Richey, Ristine, Robbins, Roe, Smith of W., Smyth of C., Tannehill, Vance, Whitman, Williams of R. Williams of W., Wines of G. and W., and Mr. Speaker—41.

So said motion did not prevail.

And before any further action was had thereon,

The House adjourned until to-morrow morning 9 o'clock.

SATURDAY MORNING, DECEMBER 30, 1837

The House met pursuant to adjournment.

The Speaker laid before the House a Report from the Treasurer of State in relation to the State House;

Which was referred to the joint committee on Public Buildings: and 200 copies ordered to be printed.

The Speaker also laid before the House a communication from the Board of Internal Improvements, accompanied by a report and estimate of the Michigan Road survey;

Which was referred to the committee on Canals and Internal Improvements; and 200 copies thereof ordered to be printed.

The following message was received from the Senate by Mr. Test, their Secretary:

MR. SPEAKER,

I am instructed by the Senate to inform the House of Representatives, that the Senate have concurred in the resolution of the House to commence the revision of the Statute Laws of this State; and that Messrs. Mitchell, Thompson of P., Dunning, Beard of St. Joseph, Kennedy, Finch, Morgan, Thompson of L. and Smith, are appointed the committee of revision on the part of the Senate.

MR. SPEAKER:

I am instructed by the Senate to inform the House of Representatives, that the Senate have concurred in the resolution of the House, appointing a committee of three to act with a similar committee on the part of the Senate, whose duty it shall be to examine the archives of this State

for the last five years, with power to send for persons and papers; with an amendment to strike out "five years," and insert, "until the year 1828," in which the concurrence of the House is requested; and Messrs. Bell, Dewart and Cathcart are the committee appointed on the part of the Senate.

On motion,

The House concurred in the amendment of the Senate, with an amendment to strike out "until" and insert "from," and add after 1828, "until the present time."

Ordered, That the clerk inform the Senate and ask their concurrence therein.

Mr. Berry presented the petition of William Alexander and others, of Monroe county, on the subject of revising the laws.

Mr. Noble presented the remonstrance of Robert Lyon and others, of Johnson county, against a certain alteration in the State road from Shelbyville to Moorsville;

Which was referred to a select committee of Messrs Noble, Morrison and Sims.

Mr. Henricks presented the petition of Thomas D. Vail and others for the vacation of a State road therein named;

Which was referred to the committee on Roads.

Mr. Huston presented the petition of sundry citizens of the counties of Washington and Clark, for the establishment of a State road from Charleston to Salem;

Which was referred to the committee on roads.

The following report was made by Mr. Walpole:

MR. SPEAKER:

The select committee to whom was referred the petition of William Galbreth and other citizens of Hancock county, praying that a certain county road therein named, be declared a State road, have had the same under consideration, and instruct me to report

A bill No. 91, declaring certain county roads in Hancock county State roads;

Which was read the first time,

And passed to a second reading on Monday next.

Mr. Hubbard from the select committee to whom was referred petitions on that subject, reported

A bill No. 95, for the relief of John B. Walker;

Which was read the first time,

And passed to a second reading on Monday next.

Mr. Henricks from the select committee on that subject, reported

A bill No. 96, to change the names of the towns of St. Joseph Iron Works and Indiana city, in St. Joseph county, to that of "Mishawaka."

Which was read the first time,

And passed to a second reading on Monday next.

Mr. Osborn made the following report:

MR. SPEAKER:

The select committee to whom was referred a bill of the House No. 11, for the relief of Jonathan Parks, have had the same under their consideration, and have directed me to report the same back to the House with an amendment.

On motion,

The House concurred in the amendment made by the committee;

When said amendments were considered as engrossed,

And the bill read a third time and passed.

Ordered, That the clerk inform the Senate, and ask their concurrence therein.

Mr. Carleton from the select committee to whom a petition on that subject was referred, reported

A bill No. 97, to change the name of Calvin C. Marsh;

Which was read the first time,

And passed to a second reading on Monday next.

Mr. Lee made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of James Taggart and others of Brown county, praying to be attached to Bartholomew county for representation, have directed me to report

A bill No. 98, to amend an act entitled an act for the formation of the county of Brown, approved Feb. 4, 1836.

Which was read the first time,

And passed to a second reading on Monday next.

Mr. Vandever offered the following resolution:

Resolved, That in the employment of clerks by the committee appointed to revise the statute laws, preference shall be given to members of the General Assembly: Provided such members acting as such clerks shall not receive any other or greater compensation for his services than his per diem allowance.

Which, on motion,

Was laid upon the table.

The Speaker laid before the House a communication from the Board of Internal Improvement, accompanied by a report from the Board of Engineers in reference to the New Albany and Crawfordsville road.

Which was read and referred to the committee on Canals and Internal Improvements; and 500 copies thereof ordered to be printed.

And the House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

On motion of Mr. Judah,

Resolved, That the Speaker may authorize the Sergeant-at-Arms of this House to employ such assistance as may become necessary for the service of any precept of this House directed to him.

Mr. Graham from the committee on enrolled bills made the following report.

MR. SPEAKER:—

The joint committee on enrolled bills report, that they did this day compare the enrolled with the engrossed bill of the Senate No. 39, "an act authorizing the sale of certain school lands therein named and for other purposes" and find the same truly enrolled.

Whereupon the Speaker signed the same.

Ordered, That the Clerk carry it to the Senate for the signature of their President.

Mr. Henley offered the following resolution,

Resolved, That the Board of Internal Improvement be requested to report to this House as soon as possible, an estimate of the entire cost of each of the works of Internal Improvement, provided for in the act en-

titled "an act to provide for a General System of Internal Improvement approved January 27th, 1836, embracing the cars, locomotives, depots, toll gates, toll houses, and all other incidental expenses, necessary to put said works in complete operation.

Mr. Proffit moved to amend said resolution by adding "and that the Board of Internal Improvement be likewise required to anticipate or prophecy, what wages, will be paid to laborers on the public works, for the next five years.

Mr. Glenn moved to amend said amendment by adding thereto, "and also to enquire whether the great system of improvement now in progress will not impoverish the State in the next five years.

And before any further action was had thereon; the hour for resolution expired.

Mr. Williams of R., introduced a joint resolution No. 99, "relative to the connexion between the White Water and Central Canals.

Which was read the first and second times, the rule being dispensed with, and referred to the committee on Canals and Internal Improvement.

Mr. Thompson of F., having obtained leave presented a petition for a state road from Dublin, in Wayne county, to Harrisburg, in Fayette county.

Which was referred to the same select committee to whom other petitions on that subject were referred.

Mr. Burns introduced a bill No. 100, to legalize the acts of Thomas Bowman;

Which was read the first time and passed to a second reading on tomorrow.

Mr. Hurst introduced a bill No. 101, supplemental to an act entitled "an act to incorporate the Jeffersonville Insurance Company.

Which was twice read, the rule having been dispensed with, and referred to the committee on corporations.

Mr. Hamel introduced a bill No. 102, establishing temporarily a court house in the county of Lake, and for other purposes.

Mr. Walpole introduced a bill No. 103, to locate a state road from Portland in Hancock county to Andersonstown in Madison county.

Which were severally read the first time and passed to a second reading on Monday next.

Mr. Tannehill introduced a bill No. 104, to declare a county road therein named a State road.

Which was twice read, the rule having been suspended; and referred to the committee on roads.

Mr. Howell introduced a bill No. 105, to incorporate the Rockport Steam Mill Company.

Which was twice read, the rule having been suspended; and referred to the committee on Corporations.

The House then proceeded to consider the orders of the day.

The joint resolution No. 5. on the subject of the annexation of Texas to the United States.

Was taken up;

Mr. Glenn moved the previous question;

Which was sustained, by a majority of the House.

And on the proposition shall the main question be now put.

And the Ayes and Noes being requested by Messrs. Bryce and Proffit.

Those who voted in the affirmative, were

Messrs. Arnold, Bennett, Berry, Boon, Boyd, Brown, Burns, Carr, Cotton of P., Cotton of S., Ferguson, Gaddis, Glenn, Graham, Had-
don, Hanna, Hawkins, Henley, Henricks, Herriman, Hocker, Howell,
Hubbard, Huston, Lane, Leviston, Macy, Matlock, Murphey, Noel, Pa-
body, Porter, Proffit, Pucket, Reeve, Ristine, Robbins, Roe, Shook,
Smith of W., Williams of W., Wines of G. & W. and Mr. Speak-
er—43.

Those who voted in the negative, were

Messrs. Blair, Bryce, Carleton, Chamberlain, Cox, Crume, Ferris,
Garrigus, Gregory, Hamel, Helmer, Hurst, Jackson, Judah, Lee, Major,
Marshall, McClure, McCrillus, Miller, Morrison, Nickel, Owen, Peaslee,
Perine, Richey, Smydth of C., Tannehill, Thompson of F., Vandever,
Watson, Whitman. Williams of L., Williams of R., Wilson, Wyman
and Zenor—37.

So the main question was ordered to be put.

When Mr. Vandever moved that the House adjourn until Monday morning 9 o'clock.

And the Ayes and Noes being demanded thereon by Messrs. Ben-
nett and Proffit,

Those who voted in the affirmative, were

Messrs. Blair, Boyd, Bryce, Carleton, Chamberlain, Cox, Crume,

Garrigus, Gregory, Haddon, Helmer, Hurst, Judah, Lee, Major, Marshall, McClure, Miller, Morrison, Nickel, Peaslee, Perine, Reeve, Richey, Tannehill, Thompson of F., Vandever, Watson. Williams of L., and Wilson—30.

Those who voted in the negative were:

Messrs. Arnold, Bennett, Berry, Boon, Brown, Burns, Carr, Cotton of P., Cotton of S., Ferguson, Ferris, Gaddis, Glenn, Graham, Hamel, Hanna, Hawkins, Henley, Henricks, Herriman, Hocker, Howell, Hubbard, Huston, Jackson, Lane, Leviston, Macy, Matlock, McCrillus, Murphey, Noel, Osborn, Owen, Proffit, Puckett, Ristine, Robbins, Roe, Shook, Smith of W., Smydth of C., Whitman, Williams of R., Williams of W., Wines of G. & W., Zenor and Mr. Speaker—48.

So the House did not adjourn.

Mr. Gregory moved that there be a call of the House.

And the ayes and noes being requested thereon by Messrs. Vandever and Chamberlain.

Those who voted in the affirmative, were

Messrs. Arnold, Blair, Boyd, Bryce, Carleton, Chamberlain, Cotton of S., Cox, Crume Ferris, Gaddis, Garrigus, Gregory, Haddon, Hamel, Helmer, Hurst, Jackson, Judah, Lee, Macy, Major, Marshall, McClure, McCrillus, Miller, Morrison, Nickel, Owen, Peaslee, Perine, Richey, Smith of W. Smydth of C., Tannehill, Thompson of F., Vandever, Watson, Williams of L., and Zenor.—41.

Those who voted in the negative were,

Messrs. Bennett, Berry, Boon, Brown, Burns, Carr, Cotton of P., Ferguson, Glenn, Graham, Hanna, Hawkins, Henly, Henricks, Herriman, Hocker, Howell, Hubbard, Huston, Lane, Leviston, Matlock, Murphey, Noel, Osborn, Pabody, Porter, Proffit, Puckett, Reeve, Ristine, Robbins, Roe, Shook, Whitman, Williams of R., Williams of W., Wilson, Wines of G. and W. and Mr. Speaker.—40.

So a call of the House was ordered.

Whereupon the names of the members were called.

When Mr. Proffit moved that the further call be dispensed with.

And before any question thereon,

Mr. Judah moved that the House adjourn until *one half minute before* 9 o'clock on Monday morning next.

And the ayes and noes being requested thereon by Messrs. Proffit and Crume,

Those who voted in the affirmative were

Messrs. Bryce, Carleton, Chamberlain, Crume, Ferguson, Gaddis, Garrigus, Gregory, Haddon, Hanna, Helmer, Herriman, Hurst, Huston, Judah, Lee, Major, Marshall, Miller, Nickel Owen, Peaslee, Perine, Porter, Reeve, Tannehill, Thompson of F., Watson, Williams of L., Wilson, Wyman and Zenor—32.

Those who voted in the negative, were

Messrs. Arnold, Bennett, Berry, Blair, Boon, Boyd, Brown, Burns, Carr, Cotton of P., Cotton of S., Cox, Ferris, Glenn, Graham, Hamel, Hawkins, Henley, Henricks, Hocker, Howell, Hubbard, Jackson, Lane, Leviston, Macy, Matlock, McClure, McCrillus, Morrison, Murphey, Noel, Osborn, Pabody, Proffit, Puckett, Richey, Ristine, Robbins, Roe, Shook, Smydth of C., Williams of R., Williams of W., Wins of G. and W., and Mr. Speaker—46.

So the House did not adjourn.

Mr. Peaslee then moved that the House adjourn until fifteen minutes before 9 o'clock on Monday morning next.

And the ayes and noes being requested thereon by Messrs. Proffit and Peaslee,

Those who voted in the affirmative, were

Messrs. Blair, Boon, Bryce, Carleton, Chamberlain, Cox, Crume, Ferguson, Ferris, Gaddis, Garrigus, Gregory, Haddon, Hamel, Hanna, Hawkins, Helmer, Herriman, Howell, Hurst, Judah, Lee, Major, Marshall, Matlock, McClure, McCrillus, Miller, Morrison, Nickel, Osborn, Owen, Peaslee, Perine, Porter, Reeve, Richey, Smith of W., Thompson of F., Vandever, Watson, Whitman, Williams of L., Williams of R., Wilson, Wyman and Zenor—47.

Those who voted in the negative, were

Messrs. Arnold, Bennett, Berry, Boyd, Brown, Burns, Carr, Cotton of P., Cotton of S., Glenn, Graham, Henley, Henricks, Hocker, Hubbard, Huston, Jackson, Lane, Leviston, Macy, Murphey, Noel, Pabody, Proffit,

Puckett; Ristine, Robbins, Roe, Shook, Smydth of C., Williams of W., Wines of G. and W. and Mr. Speaker.--33.

So the House adjourned until Monday morning 15 minutes before 9 o'clock.

MONDAY MORNING, JANUARY 1, 1838.

The House met pursuant to adjournment.

The Speaker laid before the House the first annual report of the the Indiana Mutual Fire Insurance Company.

Which was read and referred to the committee on corporations.

Mr. Haymond presented the petition of Abner McCarty and others, on the subject of certain school lands in Franklin county.

Which was read and referred to a select committee of Messrs. Haymond, Osborn and Macy.

Mr. Hamel presented the petition of Michael Oharra and others, for a charter to be granted to Arthur McClure for the erection of a bridge across the Grand Calumet River.

Which was read and referred to the committee on corporations.

Mr. Hurst presented a communication from B. Hensley on the subject of extending the State Prison.

Which was read and referred to the committee on the affairs of the State Prison.

Mr. Chamberlin presented the petition of Henry Beane and others, for an appropriations of three per cent. fund on the State road from Fort Wayne to South Bend.

Which was read and referred to a select committee of Messrs. Chamberlain, Perine, Hamel and Herriman.

Mr. Watson presented the petition of sundry citizens, being between Lafayette and Crawfordsville, for a change in the character of that part of the Madison and Lafayette rail road, which lies between Indianapolis and Lafayette, to a McAdamized or gravel Turnpike.

Which was referred to the committee on Canals and Internal Improvements.

Mr. Vance presented the petition of Eli Rigdon and others, for the formation of a new county out of the counties of Jay and Grant;

Also, the remonstrance of Adam Miller and others, on the same subject.

Which were referred to a select committee of Messrs. Vance, Pucket, Wines of G. & W., Thompson of A., and Smith of W.

Mr. Smith of W., presented a remonstrance on the same subject.

Which was referred to the same select committee.

On motion of Mr. Boon,

The petition for the divorce of John Duvall was taken from the table and referred to a select committee of Messrs. Boon, Reeve and Williams of R.

Mr. Wines of V., presented the petition of Joel H. Kester and others, for a change in the Carlisle and Terre Haute State road.

Which was referred to the committee on roads.

Mr. Brown presented the petition of James Medley, asking certain relief.

Which was referred to a select committee of Messrs. Brown, Haddon, Cox and Bryce.

Mr. Graham presented the remonstrance of D. Hall and others, relative to the boundary of the counties of Warrick and Gibson.

Which was referred to the same select committee to which a petition on the same subject was referred.

Mr. Wines of V., presented the petition of Robert Hoggate and others, that the location of a State road therein named be established.

Which was referred to the committee on roads.

Mr. Eldridge presented the petition of William D. Ross and others, for the alteration of a state road in Cass county.

Mr. Milroy presented the petition of R. V. Higgins for the location of a state road from Delphi to the Michigan Road.

Mr. Hood presented the petition of Levi Clymer and others, for a state road from the Peru and Mexico road to the Michigan road.

Mr. Pucket presented the petition of Hiram Mendinall and others, for a state road from Cambridge to Fort Wayne.

Mr. Hanna presented the petition of Aaron Gullefer and others, for

an appropriation of a portion of three per cent. fund to build a bridge over Eagle Creek, on the Indianapolis and Lafayette road,

Mr. Hood presented the petition of Elijah Barnes and others, for the appointment of a commissioner on a State road in Miami county,

Which were severally referred to the committee on roads.

Mr. Pabody presented the petition of George W. Branham and others, asking a change in the act of incorporation of the town of Vernon,

Which was referred to a select committee of Messrs. Pabody, Marshall and Tannehill.

Mr. Hood presented the petition of Alfred Keizer and others, on the subject of the unsold canal lands belonging to the State of Indiana,

Which was referred to the committee on Canals and Internal Improvements.

On motion of Mr. Carr,

The reference of a petition to the committee on the Judiciary for a change in the time of holding courts in Jackson county, was reconsidered, and the petition referred to the select committee of the members of the 2nd judicial circuit.

Mr. Glenn gave notice that he would on to-morrow move to amend the Rules of the House by adding at the end of the 15th rule, the following:

“When the ayes and noes are calling no member shall answer unless he is at his seat; and no member shall be permitted to leave his seat until the result is announced.”

Mr. Judah from the committee on the Judiciary, made the following report:

The committee on the Judiciary, according to order, have had under consideration so much of the message of his Excellency Noah Noble, as relates to the suspension of specie payments by the State Bank of Indiana, and also, several resolutions relative to the same subject, and have directed me to report,

The fact, that the State Bank of Indiana, on or about the 18th day of May last, suspended specie payment of their notes and deposits is practically known to public; it is admitted in the Message of the Governor, and it is officially communicated to the General Assembly, by the Bank, in the annual report of Samuel Merrill, the President. And that the State Bank has not resorted to the power given to it, by its charter, to enforce specie payment by the Branches, is admitted in the message and annual report, and is matter of history with the people.

The committee on the Judiciary, by a very decided majority, have determined that the Charter of the Bank is subject to forfeiture.

The main object of the charter is, that the Bank shall pay its liabilities in specie.

In the 8th section of the Charter it is provided, that the Bank shall not at any time suspend, or refuse payment in specie. In the 108th section the Legislature is prohibited, by the pledge of the faith of the State, from authorizing any such suspension or refusal. And it is asked, of what use is the provision in the 108th section, if the Bank could suspend without legislative authority? The object of the Legislature in creating the Bank, was to make a sound currency in the place of the paper of the Bank of the United States. The experience of 1819 had not been lost; and the natural object in the creation of all Banks, is, that they shall pay their obligations in specie—the legal tender of the country. As payment in specie, is an express requisition in the charter; as the Legislature is prohibited from allowing the contrary; and as the requisition is natural, reasonable, and just; most undoubtedly, it may be termed a main object in the charter.

Wherever an important condition or restriction in a Charter—one connected with the main object of the institution—is violated, the Charter is subject to forfeiture at the pleasure of the State. In the case of the Union Insurance Company, 5th Massachusetts Reports, 230, it is said by Chief Justice Parsons, “we are well satisfied that a corporation may by *non-feasance* or *mal-feasance*, forfeit its franchises.” And in the State Bank vs. the State, 1 Blackford’s Reports 275, it is stated by the court that, “when the grand leading conditions and restrictions in the Charter have been violated, there can be no question but the franchises are thereby forfeited.” The books are full of authority, in support and in illustration of this rule; and it is consonant with reason, and with the nature of things. Corporations are the creatures of the law, and their existence depends upon the execution of the objects of their creation. Their charters are termed contracts; but they are contracts subject to a condition precedent; which is, the discharge of its duty by the corporation.

But it is said that there are peculiar provisions in the Charter of the State Bank of Indiana, which exempt it from the operation of the general principles of the law, respecting corporations.

It is contended, that certain remedies provided in the Charter, in case of the suspension of specie payment, are exclusive. These supposed exclusive remedies are, the twelve per cent. damages provided in the 8th section; and the authority given to the State Bank Board, to suspend a Branch, in the 8th and in the 44th sections.

To this it is answered: that corporations are subject to the law of the land, as natural persons are subject. That charters of incorporation have no exemption from the ordinary rules of construction, recognized by the law. Whenever the common law has provided a remedy, and a Statute afterwards gives another affirmatively, that other does not take away the common law remedy: that other is merely cumulative. *Lacy vs. Scott* 1 Blackford’s Reports 405. *Farmer’s Turnpike Company vs. Coventry* 10 Johnson’s Reports 389. If then, the twelve per cent. damages had been given to the State, and upon the whole amount of the circulation of the Bank, and thus clearly in vindication of public justice, it would not have taken away the common law remedy by forfeiture. But this penalty is not in vindication of the public justice. It is

nō remedy for the wrong to the public. It is a mere compensation to the individual creditor—to be enforced for his own benefit—at his own pleasure. And consistently with the nature of our institutions—the spirit of our legislation—and the ends of justice—these remedies—that by charter, in favor of the private creditor, that at common law, in favor of the public; may be co-existent.

The State Board have power to suspend a Branch. The Branches are the agents of the Bank. For the acts of the Branches, the Bank is liable. It has been asked, if one Branch violates the charter, is the charter thereby subject to forfeiture? The answer is, that in such case, the charter may or may not be subject to forfeiture. The principal may affirm, or may repudiate, the acts of the agent, done without authority. If a Branch violates the charter without authority from the State Bank Board, the Bank as principal may affirm or disaffirm the act. If the Bank affirms the act, directly or indirectly, it becomes responsible. If the Bank repudiates the act, the consequences are all cast by the charter upon the Branch. And the charter has wisely provided for the Bank, every facility in repelling the presumption of its affirmance of any illegal act of a Branch. In such case, the course prescribed by its interest, and required by its duty, is the same, and is equally clear. By the last clause of the 8th section, if any Branch suspends, it “may be closed as in case of insolvency.” If it is said, that the term “may” leaves this discretionary with the State Bank, it may be replied, that this clause is explained by the provision in the 44th section—that whenever the State Bank ascertains that any Branch has “violated any of the provisions of the Charter,” it shall be “*the duty*” of the State Bank forthwith to suspend such Branch,—and hence, it not only may suspend, but it is expressly its duty to suspend, any Branch which violates the provisions of the charter in any respect—and it is well enough to observe, that this word “may” in the 8th section, according to every rule of construction known to the law, means *must*. For undoubtedly, whenever in a statute the word *may* or the words *shall* or *may* are used, if in reference to public rights, or to the duties of public officers, such words are imperative—if in reference to private rights or duties, they are optional—5 Johnson’s Chancery Reports 113; 6 Cowen’s Reports 188. And thus it is clear, that in case a Branch violates any provisions of the charter, the Bank may perform its duty, or it may neglect its duty, and thus become responsible.

If a Branch suspends specie payment, it violates the charter.

Individuals injured may recover twelve per cent.

The State Bank may suspend the Branch.

If the State Bank does not suspend the Branch, it becomes responsible itself.

As the Branches have suspended specie payment, and as the Bank has not performed its duty, the Bank is responsible, as for its own act, for a violation of the charter.

But although the State Bank of Indiana, has subjected its charter to forfeiture, at the pleasure of the State, there are questions of the most serious importance connected with it. Questions for the consideration

of the General Assembly, the determination of which will employ all the intelligence and all the experience of the Representatives of the people. To some of these questions, the attention of the committee has been turned. The members of the committee were very unanimous in the opinion that advantage should not be taken of the suspension, to enforce a forfeiture of the charter, and thus to extinguish the Bank.— But the members of the committee were divided, as to whether it would be expedient for the General Assembly, to take advantage of the situation of the Bank and thus to force upon its acceptance, amendments to its charter. The circumstances which induced the suspension of specie payment by the State Bank of Indiana are stated in the message of the Governor; are fully explained in the Report of the President of the Bank; and are understood by the people. Undoubtedly, if any combination of circumstances could excuse the Bank in refusing to meet its liabilities, the State Bank is excusable. And as the existence of the Bank is deemed necessary for the public prosperity, there was not any difference of opinion, as to the propriety of not enforcing a forfeiture.

But as the true rule for the government of the action of the Legislature certainly is the public good, and that alone; it is insisted that now, when circumstances have placed this charter within the power of the Legislature, it is its duty to examine the charter, and if our experience of its working and of its operation upon all the interests of the State shows to us that amendment is necessary, amendment should be made. The minority of the committee were opposed to amendments. The majority of the committee did not consider that the investigation of this subject was made their express duty; and all agreed in the propriety of compelling a resumption, and of preventing any future suspension of specie payments. The committee determined to report to the House, a bill to exempt the Bank from a forfeiture of its franchises, upon condition that it shall resume payment in specie and shall not thereafter suspend for a longer term than sixty days in any one year, and thus to leave to the House the determination of the expediency of making other amendments to the charter, on a proposition to amend the bill or to reconsider it.

The majority of the committee approve the bill reported herewith.

SAMUEL JUDAH,
Chair. J. Com.

A BILL to confirm the State Bank of Indiana in its franchises.

Be it enacted by the General Assembly of the State of Indiana, That all the rights, privileges and franchises granted to the State Bank of Indiana, by an act entitled "an act establishing a State Bank, approved January 28, 1834," and by the acts amendatory thereto, which are forfeited by the suspension of specie payment, be, and the same are granted, restored and confirmed to the said The State Bank of Indiana as fully and amply as the said acts granted the same.

SEC. 2. *Provided nevertheless*, That this act and the grant, restoration and confirmation aforesaid, shall not take effect in favor of the said The State Bank of Indiana in any manner whatever, unless this act and every part thereof, shall be adopted as an amendment to the charter of said Bank, by the President and Directors of the State Bank and by the President and Directors of each Branch, and evidence thereof be filed by the State Bank in the office of the Secretary of State on or before the first day of _____ next ensuing. And that if such evidence, be not so filed, on or before the said day, it is hereby made the duty of his Excellency the Governor, and he is hereby directed and authorized to order a *scire facias* to be sued out of the Marion Circuit Court, against the said Bank in the name of the State, for a forfeiture of its charter by reason of the suspension of specie payment of its notes and deposits, and for such other violations of its charter, and of the law of the land as may be ascertained.

SEC. 3. That so soon as

it shall be the duty of the said The State Bank of Indiana to resume the payment in specie of all its liabilities—and to suspend and absolutely close and wind up any Branch which shall not so resume payment—and that if at any time after such resumption of specie payment, said Bank shall refuse or suspend specie payment for the space of sixty days in any one year, of any of its liabilities, or permit any Branch so to do, such refusal or suspension, or such permission, whether express or implied, shall be absolutely in itself a forfeiture of all the franchises of the said Bank.

The bill accompanying said Report No. 106, to confirm the State Bank of Indiana in its franchises,

Was twice read the rule having been suspended and laid upon the table.

Ordered, That 1,000 copies of said bill and report be printed.

Mr. Macy from the judiciary committee made the following Report.

MR. SPEAKER:

The judiciary committee to which was referred a petition of Jacob Wise and other citizens of the county of Wayne, praying that the Laws of the State may be printed in the German language, also a resolution to enquire into the expediency of so amending the Law subjecting real and personal estate to execution so that one hundred dollars of specified articles of personal property be exempt from execution, to such execution defendants who have families, have had the same under consideration and instructed me to report that legislative action is unnecessary on the subjects above named, and ask to be discharged from the further consideration thereof.

On motion of Mr. Hubbard the first branch of said report relative to printing the laws of the State in the German Language,

Was re-committed to a select committee of Messrs. Hubbard, Jones, Glenn, Chamberlain and Smith of W.

The second branch of said report was concurred in by the House.

Mr. Vance from the select committee on that subject, reported a bill,

No. 107. To locate the seat of Justice of Wells county,

Which was twice read, the rule having been suspended and ordered to a third reading on to-morrow.

Mr. Vance from the select committee on that subject, reported a bill,

No. 108. To authorize the erection of a Mill-dam across the Wabash River,

Which was read the first time and passed to a second reading on to-morrow.

The following message was received from the Senate by Mr. Test their Secretary.

MR. SPEAKER:

I am instructed by the Senate to inform the House of Representatives, that the Senate have concurred in the amendment of the Resolution of the House appointing a select committee of three on the part of each House to examine the archives of this State, by striking out "until" preceding the words "The year 1828," and insert "*from*" made in the House.

The Senate has passed engrossed bills of the House entitled

No. 31. An act to change the name of the town of Middletown to that of Ogden.

No. 34. An act for the relief of Joseph Wells.

No. 59. A joint resolution respecting the extension of the Franking privilege.

The two first without amendment, the latter with an amendment in which the concurrence of the House is respectfully requested.

Also, the Senate has passed an engrossed bill of the Senate entitled

No. 53. An act to establish a state road from Logansport to Augusta, the county seat of Noble county.

In which latter bill the Senate also request the concurrence of the House.

On motion the House concurred in the amendment of the Senate to said joint resolution.

Ordered, That the Senate be informed thereof.

The bill No. 53, accompanying said message was read the first time and passed to a second reading on to-morrow.

At the request of Mr. Jones he was excused from serving on the committee of Revision.

Thereupon the Speaker appointed Mr. Lane as an addition to that committee.

Mr. Graham from the committee on enrolled bills made the following report:

MR. SPEAKER:

The committee on enrolled bills report that they did this day present to His Excellency the Governor for his approval and signature the following bills:

No. 23, "an act for the relief of Ezra M. Jones."

No. 7, an act to amend an act entitled "an act to appropriate the three per cent. fund in certain counties therein named, approved February 4th, 1837."

Also, bills of the Senate,

No. 39, entitled "an act authorizing the sale of certain school lands therein named and for other purposes."

The resolution offered by Mr. Henley under consideration on Saturday last, when the hour for resolutions expired; was,

On motion of Mr. Henley,

Laid upon the table.

Mr. Burns offered the following resolution,

Resolved, That the committee on education, enquire into the expediency of enacting a law transferring the Seminary fund of each county in the State, in which Seminaries of learning, have not been established to the common school fund of such counties; and abolishing the office of County Seminary Trustee, in all such counties, with leave to report by bill or otherwise.

Which,

On motion, was laid upon the table.

On motion of Mr. Haddon,

Resolved, That the judiciary committee be instructed to enquire into the expediency of so amending the law as to allow Probate Judges to take acknowledgment of deeds and administer oaths in matters relating to the same; with leave to report by bill or otherwise.

Mr. Morrison offered the following resolution,

Which was laid upon the table,

Resolved, That the committee on education be instructed to enquire into the expediency of appropriating to the use of the public, through a competent board of trustees, to be incorporated for that purpose, the building and ground known on the plan of Indianapolis as the Governor's Circle, for the uses and purposes of a State Female Seminary, upon the conditions that said corporation, pay to the State a sum of money sufficient to cover the expense of the building commonly called the Governor's House on said Circle, and that said incorporation obligate themselves and their successors in office, to devote said building and ground, to the aforesaid object; otherwise said property to revert to the State; and that said committee be directed to report a bill for that purpose.

On motion of Mr. Miller,

Resolved, That the committee on education be instructed to enquire into the expediency of amending the law authorizing the loaning of a part of the surplus revenue in the different counties of this state, so as to authorize the loaning agent to employ counsel (when necessary) to collect the amounts loaned; with leave to report by bill or otherwise.

On motion of Mr. Jones,

Resolved, That the Treasurer of State be requested to report to this House,

1st. The amount which has been paid into the Treasury from the sales of lands in the Seminary townships of Monroe and Gibson, including principal and interest.

2nd. The amount of interest paid on loans of the college fund, from the establishment of the loan office up to the 30th of November, 1837.

3rd. The total amount of disbursements from the College fund, as far as the same has been connected with the State Treasury.

4th. The amount of that fund out on loan in his office.

5th. The aggregate amount of interest annually arising from the College fund.

On motion of Mr. Williams of L.,

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of amending the first section of an act regu-

lating prisons and prison bounds, so as to enlarge the bounds for such debtors, as shall be entitled to the benefit of such prison bounds, to the limits of the several counties.

On motion of Mr. Boon,

Resolved, That the committee on roads be instructed to enquire into the expediency of allowing persons living immediately on or adjacent to any public road or highway within this State, to remove any obstructions or make any repairs where such road has become dangerous or impassable and providing a reasonable compensation for such service to be paid out of the proper county treasury; with leave to report by bill or otherwise.

On motion of Mr. Hanna,

Resolved, That the committee on the affairs of the town of Indianapolis, be instructed to report to this House, the lots and lands which may be profitably sold in the town of Indianapolis; with a view to raise a fund for the erection of fire proof offices for the security of the archives of the State.

Mr. Arnold introduced a joint resolution, No. 109, relative to a Western Armory.

Mr. Peaslee introduced a bill

No. 110, to provide for McAdamizing the Michigan road between Napoleon and South Bend,

Mr. Tannehill introduced a bill

No. 111, to provide for the election of a justice of the peace in the town of Hartsville, in Bartholomew county.

Mr. Hamel introduced a bill

No. 112, to fill a vacancy in a commission therein named.

Mr. Henricks introduced a bill

No. 113, to provide for the navigation of the Big St. Joseph River.

Also a bill

No. 114, to incorporate the South Bend and Wesaw Canal Company.

Mr. Helmer introduced a bill

No. 115, amendatory to an act entitled "an act relative to crime and punishment, approved Feb. 10, 1831.

Which were severally read the first time and passed to a second reading on to-morrow.

Mr. Graham gave notice that he would on to-morrow move to amend the 34th Rule of the House to read as follows:

"It shall be in order for the committee of Enrolled Bills to hand their reports to the clerk of the House, which shall be journalised in the lat-

ter part of the daily journals, and shall only be read at the times of reading the Journals."

Mr. Henley introduced a bill

No. 116, to amend the act entitled "an act regulating the admission and practice of attorneys and counsellors at law, approved January 31, 1824;

Which was twice read, the rule having been suspended,

When Mr. Henley moved that said bill be referred to the committee on the Judiciary.

Mr. Jones moved that it be indefinitely postponed.

And the Ayes and Noes being requested thereon by Messrs. Henley and Osborn,

Those who voted in the affirmative, were

Messrs. Arnold, Berry, Blair, Boyd, Bryce, Brown, Carleton, Carr, Cotton of P., Cotton of S., Cox, Ferguson, Ferris, Gaddis, Garrigus, Graham, Gregory, Haddon, Hamel, Helmer, Henricks, Hocker, Hood, Howell, Hubbard, Huston, Jackson, Jones, Kenton, Lane, Lee, Leviston, Macy, Major, Marshall, Matlock, McClure, McCrillus, Miller, Morrison, Murphey, Nickel, Noble, Noel, Osborn, Owen, Pabody, Peaslee, Perine, Porter, Puckett, Richey, Ristine, Robbins, Smydthof C., Tannehill, Thompson of A., Thompson of F., Vance, Vandever, Watson, Whitman, Williams of L., Williams of R., Williams of W., Wilson, Wines of V., Wyman, Zenor and Mr. Speaker.—70.

Those who voted in the negative, were

Messrs. Bennett, Boon, Burns, Eldridge, Glenn, Hanna, Haymond, Henley, Herriman, Hurst, Milroy Roe, and Walpole—13.

So said bill was indefinitely postponed.

And then the House adjourned until to-morrow morning 9 o'clock.

TUESDAY MORNING, Jan, 2d, 1838.

The House met pursuant to adjournment.

The Speaker laid before the House a communication from the Board of Internal Improvement, in answer to a resolution of the House, calling for the report of engineers on the New Albany and Crawfordsville road, which had not been printed;

Which was read and referred to the committee on Canals and Internal Improvement.

Mr. Macey presented the memorial of sundry citizens of the county of Henry, on the subject of the connection between the White Water and Central Canals;

Which was read and referred to the committee on Canals and Internal Improvements.

Mr. Hubbard presented the petition of sundry citizens of the counties of Wayne, Henry, &c. asking that the connection between the White Water and Central Canals be made by a McAdamized road;

Which was read and referred to the committee on Canals and Internal Improvements.

Mr. Hamel presented the petition of the Liverpool Bridge Company for the extension of the privileges of said company;

Which was referred to the committee on corporations.

Mr. Champer from the select committee to which was referred a bill of the House No. 64, to amend an act entitled "an act to provide for a General System of Internal Improvements, approved January 27th, 1836," reported the same back to the House with an amendment.

Which was concurred in by the House.

When,

Mr. Berry moved that said bill be referred to the committee on Canals and Internal Improvements.

Mr. Whitman moved that it be laid upon the table;

Which was decided in the negative.

The question then recurring on committing said bill to the committee on Canals and Internal Improvements;

Was decided in the negative.

Mr. Cunningham moved to amend said bill by inserting "that station No. 120, on the Bluff of Deer creek be made a point on said road;

Which did not prevail.

Mr. Berry moved to recommit the bill with instructions to change the same so as to make Spencer a point, or to make it a McAdamized road; Which was decided in the negative.

Mr. Whitman moved to amend the bill by striking out the words "it shall be a McAdamized Turnpike."

And the ayes and noes being requested thereon by Messrs. Cunningham and Berry,

Those who voted in the affirmative were:

Messrs. Berry, Carleton, Cunningham, Gaddis, Haymond, Lee, Marshall, Stapp, Thompson of A., Watson, Whitman, and Mr. Speaker—12.

Those who voted in the negative, were

Messrs. Arnold, Bennett, Blair, Boon, Boyd, Bryce, Brown, Burns, Carr, Champer, Cotton of P., Cotton of S., Cox, Eldridge, Ferguson, Ferris, Garrigus, Glenn, Graham, Gregory, Haddon, Hamel, Hanna, Hawkins, Helmer, Henley, Herriman, Hocker, Hood, Howell, Hubbard, Hurst, Huston, Jackson, Judah, Kenton, Lane, Leviston, Major, Matlock, McClure, McCrillus, Miller, Milroy, Monroe, Morrison, Murphy, Nickel, Noble, Noel, Osborn, Owen, Pabody, Peaslee, Perine, Porter, Profit, Puckett, Reeve, Richey, Ristine, Robbins, Roe, Smith of W., Smydth of C., Tannehill, Thompson of F., Vandever, Walpole, Williams of L., Williams of R., Williams of W., Wilson, Wines of G. & W., Wines of V., Wyman, and Zenor—77.

So said amendment did not prevail.

Mr. Berry moved to amend the bill by striking out so much as relates to making Spencer a point.

Which was decided in the negative.

And on the question shall the bill be engrossed for a third reading,

And the Ayes and Noes being requested by Messrs. Cunningham and Gaddis.

Those who voted in the affirmative, were

Messrs. Arnold, Bennett, Blair, Boon, Boyd, Bryce, Brown, Burns, Carr, Champer, Cotton of P., Cotton of S., Cox, Eldridge, Ferguson, Ferris, Garrigus, Glenn, Graham, Gregory, Haddon, Hamel, Hanna, Hawkins, Henley, Herriman, Hocker, Hood, Howell, Hubbard, Hurst, Huston, Jackson, Judah, Kenton, Leviston, Major, Matlock, McClure, McCrillus, Miller, Milroy, Murphey, Nickel, Noble, Noel, Osborn, Owen, Pabody, Peaslee, Perine, Porter, Profit, Pucket, Reeve, Richey, Roe, Smith of W., Smydth of C., Thompson of F., Vance, Vandever, Wal-

pole, Williams of L., Williams of R., Williams of W., Wilson, Wines of G. & W., Wines of V., Wyman and Zenor—70.

Those who voted in the negative, were

Messrs. Berry, Cunningham, Gaddis, Haymond, Helmer, Lane, Lee, Marshall, Ristine, Robbins, Stapp, Tannehill, Thompson of A., Watson, Whitman, and Mr. Speaker.—16.

So said bill was ordered to be engrossed for a third reading on to-morrow.

Mr. Judah made the following report:

MR. SPEAKER:

The committee appointed, with a committee on the part of the Senate, to revise the statutes, have directed me to report, that the joint committee have divided the statutes between the committees, and that the committee on the part of the House is ready to proceed in the discharge of its duty, so soon as the clerical aid, which is indispensable, shall be allowed.

The committee have directed me to report the following resolution:

Resolved, That the committee on the Revision of the Statutes on the part of this House, employ such clerks as may be found necessary.

Which was concurred in by the House.

Mr. Thompson of F. from the select committee on that subject reported a bill No. 117, to locate a State Road from Harrisburgh in Wayne county to Dublin in Fayette county;

Which was read the first time and passed to a second reading on to-morrow.

Mr. Reeve from the select committee on that subject reported a bill No. 118, for the divorce of John Duvall and Nancy Duvall;

Which was read the first time and passed to a second reading on to-morrow.

Mr. Hubbard from the select committee to which was referred sundry petitions on that subject, reported a bill No. 119, to locate a State road from Franklin in Wayne county to Windsor in Randolph county, thence to the town of Huntington on the Wabash and Erie Canal;

Which was read the first time and passed to a second reading on to-morrow.

Mr. Noble from the select committee on that subject reported a bill No. 120, to change the Morgansford and Brandywine Town State Road;

Which was read the first time and passed to a second reading on tomorrow.

And the House adjourned until 2 o'clock P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

On motion of Mr. Glenn,

Resolved, That this House will at 3 o'clock P. M. on Saturday the 13th instant, proceed to the election of a printer to the House, pursuant to the provisions of a Joint Resolution, approved Feb. 4, 1837.

On motion of Mr. Burns,

Resolved, That the committee on Canals and Internal Improvement be instructed to enquire into the justice, propriety and expediency, of making an appropriation for the improvement of Big Vermillion River, by slack-water navigation from its junction with the Wabash River, to the Illinois State line, so as to meet the improvement contemplated by an act of the Legislature of Illinois; which act provides an appropriation for the improvement of said River between the Illinois State line and the town of Danville in said state,

With leave to report by bill or otherwise.

On motion of Mr. Perine,

Resolved, That the State Librarian be directed to purchase for the use of this House, four copies of Sullivan's Map of Indianapolis, on rollers. Two of which to be suspended in the Representatives Hall, and the others in the State Library.

On motion of Mr. Milroy,

Resolved, That the committee on the judiciary be instructed to enquire and report to this House whether in their opinion the citizens of Indiana, can be deprived of their right of action for "damages or injury" done their property by contractors on the public works, by the provisions of an act entitled "an act to provide for a general system of Internal Improvement" and whether said act is not in derogation of the rights guaranteed to the citizens by the 11th section of the first article of the constitution of the State of Indiana,

Which provides "that all courts shall be open, and every person for injury done him in his lands, goods, person or reputation shall have remedy by due course of law." Which right so guaranteed is by the

24th section of the same article of the constitution "exempted out of the general powers of the Government "and forever to remain inviolate."

On motion of Mr. Smith of W.

Resolved, That the committee of Ways and Means enquire into the expediency of so amending the 9th section of the act providing for the distribution of the Surplus Revenue, that all future loans of that fund shall be made upon Mortgage of real estate.

Resolved, Also, that said committee enquire into the expediency of amending the 10th section of said act, so that in all cases where said fund shall have been loaned on personal security, the Agents shall be authorized to permit the person to whom loaned to keep possession of the whole sums borrowed, for the term of three years from the date of the loan, on condition of a punctual payment of interest and satisfactory renewal of security, by mortgage on real estate,

With leave to report by bill or otherwise.

Mr. Whitman offered the following resolution;

Resolved, That the committee on Canals and Internal Improvement enquire into the expediency of reporting a bill making the Jeffersonville and Crawfordsville road, a single track rail road with proper turnouts. Provided such road can be constructed at a cost not exceeding 15,000 dollars per mile,

Which on motion of Mr. Bryce was laid upon the table.

On motion of Mr. Milroy,

Resolved, That the committee on Internal Improvements enquire what amendments are necessary to the act, providing for a general system of Internal Improvement, so as to prevent useless and wanton waste of timber for the construction of the public works—and into the expediency of so amending said act, that in cases where it becomes necessary to take timber from the lands of individuals, that it shall be levied in equal proportions agreeable to the quantity owned by such individuals, within a reasonable distance of such public works,

With leave to report by bill or otherwise.

On motion of Mr. Graham,

Resolved, That the committee on enrolled bills hand their reports to the clerk of the House, and that the same be journalized in the latter part of the daily journal, and shall only be read when the journals are.

On motion of Mr. Brown,

Resolved, That the committee of Ways and Means, be instructed to enquire into the expediency of levying a tax of an amount sufficient to pay all interest accruing on the state bonds for the year 1839,

With leave to report by bill or otherwise.

The following message was received from the Governor, by Mr. Maguire, his private Secretary.

MR. SPEAKER:

I am directed by the Governor to inform the House of Representatives, that he has approved and signed an act entitled,

An act authorizing the sale of certain school lands therein named and for other purposes.

Which originated in the Senate;

And also acts of the following titles which originated in the House of Representatives, viz:

An act to amend an act to appropriate the three per cent. fund in certain counties therein named, approved Feb. 4, 1837; and

An act for the relief of Ezra M. Jones.

On motion of Mr. Bennett,

Resolved, That fifty copies of the report of the Board of Internal Improvement, on the Jeffersonville and Crawfordsville road (when printed) be set apart for the use of said board and engineers.

On motion of Mr. Zenor,

Resolved, That the committee on education be instructed, to enquire into the expediency of amending the 7th section in 4th chapter and the 10th section in the 14th chapter of "an act incorporating congressional townships and providing for public schools therein named, approved February 6th, 1837," so as to define a more definite mode of distributing the school funds, equally in each school district.

Mr. Milroy introduced a joint resolution No. 121, relative to taxing the public land.

Mr. Haddon introduced a bill No. 122, relative to the county library of Sullivan county.

Mr. Brown introduced a bill No. 123, providing for sale of certain school lands in the county of Sullivan.

Mr. Hamel introduced a bill No. 124, relative to acts of householders in the county of Lake.

Mr. Hurst introduced a bill No. 125, to incorporate the Jeffersonville Savings Institution.

Mr. Lane introduced a bill No. 126, to authorize an additional justice of the peace in Brown township in Montgomery county, Indiana.

Mr. Hamel introduced a bill No. 127, relating to the settlers upon the Lands of the General Government within the county of Lake.

Which were severally read the first time and passed to a second reading on to-morrow.

Mr. Gregory introduced a bill No. 128, modifying an act providing for a general system of Internal Improvement.

Which was twice read, the rule having been suspended.

When,

Mr. Bryce moved to refer said bill to the committee on canals and internal improvement.

And before any decision thereon,

Mr. Smydth of C., moved that the bill be indefinitely postponed.

And the Ayes and Noes being requested thereon by Messrs. Glenn and Gregory.

Those who voted in the affirmative were:

Messrs. Berry, Boyd, Bryce, Carleton, Champer, Cunningham, Gaddis, Graham, Hamel, Hanna, Hawkins, Haymond, Henricks, Herriman, Hood, Hubbard, Huff, Huston, Lane, Lee, Macy, Marshall, Matlock, Monroe, Morrison, Murphy, Noble, Osborn, Pabody, Proffit, Richey, Ristine, Robins, Smydth of C., Stapp, Tannehill, Thompson of A., Thompson of F., Vance, Vandever, Watson, Whitman, Williams of L., Wines of G. and W., Wines of V., Wyman and Mr. Speaker—47.

Those who voted in the negative, were

Messrs. Arnold, Bennett, Blair, Boon, Brown, Burns, Carr, Cotton of P., Cotton of S., Eldridge, Ferguson, Ferris, Garrigus, Glenn, Gregory, Haddon, Helmer, Henley, Hocker, Howell, Hurst, Jackson, Kenton, Levistone, Major, McClure, Miller, Milroy, Nickel, Noel, Owen, Peaslee, Porter, Puckett, Reeve, Roe, Smith of W., Walpole, Williams of R., Williams of W., Wilson and Zenor—41.

So said bill was indefinitely postponed.

Mr. Judah introduced a bill No. 129, for the appointment of agents,

Which was read the first time and passed to a second reading on to-morrow.

Mr. Howell introduced a bill No. 130, to amend an act approved, February 5, 1837, to amend an act entitled an act, to provide for an equitable mode of levying the taxes of this State, approved February 8th, 1837.

And then the House adjourned until to-morrow morning 9 o'clock.

WEDNESDAY MORNING, Jan. 3d, 1838.

The House met pursuant to adjournment.

Mr. Sims presented the petition of sundry citizens of Morgan county, for the repeal of the act of 1835, confining the jurisdiction of justices of the peace to the townships in which they reside, so far as relates to said county;

Which was referred to a select committee of Messrs. Sims, Matlock and Berry.

Mr. Gregory presented the remonstrance of sundry citizens of Warren county, against a change in the boundary of said county.

Which was referred to the same select committee to which petitions for organizing Jasper county were referred.

The Speaker laid before the House the following communication from the President of the State Bank.

To the House of Representatives:

In submitting the letter of Dr. Coe in relation to the Bank Convention, I beg leave to remark, that in making the former communication on the same subject, a heavy press of other business did not allow more than a hasty examination of the correspondence. It was thought at the time that some matters were incorrectly stated, and others confidentially obtained; and that neither the public interest nor a proper respect for some of the gentlemen and institutions named in the correspondence called for its publication. In reviewing the matter, it seems advisable to leave with the House all the letters of Dr. Coe, particularly as I did not, when writing before, fully understand them; and I beg leave to add a few com-

ments, trusting that if the letters are published, such parts will be omitted, as to the House may seem right.

Dr. Coe has but little interest in the Bank, (6 shares) and has never been particularly conversant with its policy; and while in New York his business has been much less with Banks than with Brokers, the latter of whom have their own views, not always consistent with those of the former. It would not be strange, therefore, that he should mistake some matters to which his attention was called at very short notice, for he attended the Convention the day his appointment was received. In his 2nd letter the allusion intended to refer to the Banks at Natchez, present very imperfect views of the situation of those institutions. The specie and liabilities may have been as stated, but it is also understood that the Mississippi Banks had large amounts of cotton on the way to Europe, the avails of which would be more valuable to them even than specie.

In the latter part of the same letter is a reference to his instructions, as if he was only "to vote for the earliest day in which all can unite." Such is not the letter nor spirit of the instruction. Concert of action and unanimity among the prudent and solvent banks are desirable, but nothing of this kind is expected from those of a different description. The suggestions in the same letter that "neither the calling of the Convention nor the time of redeeming specie payments, had been submitted to any Board of Directors in the city," is, I am confident, a mistake. A distinct vote may not have been taken on these subjects in some of the Banks, but if so, it must have been from there being so general an understanding on the subject that no vote was even called for. Such at least was my impression from conversing a few days previously with several gentlemen well informed in these matters.

In the 3d letter, the Doctor remarks in referring to the proceedings of our Bank, "that at the suspension the Bank curtailed her discounts one-fifth, not from necessity, but to show that her stockholders did not wish to make large profits out of irredeemable paper." The reduction of discounts was directed by the unanimous vote of the State Board, before news of the suspension *elsewhere* had been received *here*, and solely because the rapid withdrawal of the United States deposits had rendered it unsafe to continue discounting as before. He is also equally in error as to the prospect of enlarging our discounts when specie payments are resumed. They must be much contracted in all the branches, but especially in those where there is not great punctuality in payments.

The intimation in the 4th letter, that the "New York Banks were more desirous to shew a desire to fix an early day (for the resumption) than to effect it," is in my opinion entirely a mistake. They cannot but feel sensibly that their hold on public confidence, and their prospects of doing good business hereafter, must seriously suffer by all delay in resuming specie payments even when absolutely unavoidable. The loss of foreign credit and constant domestic inconvenience, ought not to be hazarded unless from absolute necessity.

The banks, like all the rest of community, have profited largely by several prosperous years, and policy, not less than justice, requires them to make sacrifices if necessary, to bring back the business of the country

to its proper channels. Every effort in this way would be seed scattered at the present to return a harvest of credit and confidence hereafter. The ability of the banks in New York to resume specie payments is also much underrated, for the bank balances could be coerced by suit or obtained by compromising a part. By fixing a day for resumption, though distant, the eyes of the whole community, as well as the banks, could be kept on the point aimed at, and it would be at once seen what banks and individuals were making the necessary preparations for the desirable object. Such as were doing so would be sustained; while those not thus engaged would be no longer an incumbrance to others. The present uncertainty in not knowing what to prepare for, is a great hindrance to all kinds of business; and if the leading banks have any designs which they conceal, those who are initiated possess great advantages. The imprudence and evil designs of unsafe business men and banks, and all the suspicions their mysterious conduct excites, are heavy weights, now borne equally by all. A distinction must soon be made, or the whole will sink together.

So far as Dr. Coe's vote in the Convention was influenced by a desire not "to throw any odium of the decision on others," who, if they have not prepared for what was unavoidable, should alone bear the responsibility, will certainly meet with the disapprobation of every Director and other officer of the State Bank. However the private opinions of some of them may be, as to the policy of a National Bank, no one wishes a branch of such an institution to be located in this State, and though the Directors are now said to be about equally divided as to political opinions, no vote has ever yet been given in the Board over which general politics have had, as far as I am informed, any influence on a single member.

The reference to the profits of the banks as "having been 10½ per cent. for the preceding six months," does not give a full view of the result of our business. Though that was the apparent result from the books on the 31st October, yet \$20,283 75, about that time charged against the Bank at Washington for interest on United States Deposites and the quarterly payment of expenses then due, should be deducted. The dividends, since the bank has been organized, have been as follows: first year 3 per cent., second year an average of 9 per cent., and third year 8 per cent., making an average of just 6 2-3 per cent. for the whole time. The surplus fund on the 31st October was \$292,143 92, from which if one per cent. on the discounts, always taken in advance, is deducted, the clear profits, should there be no losses, will be less than 13½ per cent. a year, and at a time when the whole business of the country was prosperous; when the circulation of paper was kept up without effort, and the United States deposits, the payments on the public works, and the collection of foreign debts, gave the bank such advantages as it will not probably soon again possess.

I should not do justice to Dr. Coe, in conclusion, were I not to state that I have not the least doubt but that his motives were perfectly pure in this matter, and his opinions, where they differ from mine, may be right.

It is not unlikely that the interests of the holders of the State bonds, few of which had been sold, and the prospects of future loans may have

had more influence on him and his advisers than he was aware of. They would be great losers if the exchange on England were to be suddenly reduced, and if their stock were to be forced into market and sacrificed, it would be long before future loans could be made on good terms.

The success of Dr. Coe as a public officer in New York in obtaining loans, his unwearied attention to all business entrusted to him, and the full confidence that is placed in his statement by those who know him there, without detracting aught from his able and meritorious colleagues, gave him high claims on public consideration, even if he has erred as a delegate in the Bank Convention, which in my opinion he has done.

Respectfully submitted.

S. MERRILL.

January 1. 1838.

P. S. It will be seen by reference to the letters, that two of them were sent by the *Express Mail*, and as they did not arrive in the order they were written, they were not at first intelligible.

Mr. Vandever moved that 500 copies of said communication be printed.

A division of the question was called for.

And on the question shall the communication be printed.

The ayes and noes being requested by Messrs. Vandever and Burns.

Those who voted in the affirmative, were

Messrs. Arnold, Blair, Boon, Boyd, Bryce, Burns, Carr, Chamberlain, Champer, Cotton of P. Cotton of S., Cunningham, Gaddis, Garrigus, Glenn, Graham, Gregory, Haddon, Hanna, Helmer, Hocker, Jackson, Major, McClure, McCrillus, Miller, Milroy, Monroe, Nickel, Owen, Peaslee, Perine, Proffit, Richey, Smydth of C., Tannehill, Thompson of F., Vandever, Whitman, Williams of L., Williams of R., and Wyman—42.

Those who voted in the negative were,

Messrs. Bennett, Berry, Brown, Carleton, Cox, Ferguson, Ferris, Hamel, Hawkins, Haymond, Henly, Henricks, Hood, Howell, Hubbard, Huff, Huston, Jones, Kenton, Lane, Lee, Leviston, Macy, Marshall, Matlock, Murphey, Noble, Noel, Osborn, Pabody, Porter, Puckett, Ristine, Robbins, Roe, Smith of W. Stapp, Thompson of A. Vance, Walpole, Watson, Williams of W., Wilson, Wines of G. and W. Wines of V. Zenor and Mr. Speaker.—47.

So said motion was decided in the negative.

Mr. Milroy presented the petition of Abner Evans and others on the subject of leasing water power at Dam No. 4, at the town of Pittsburg;

Which was read and referred to a select committee of Messrs. Milroy Eldridge, Wines of G. and W., Kenton and Major.

Mr. Matlock presented the petition of William Tomlinson and others for an additional justice of the peace in the town of New Williamsburg in Hendricks county;

Which was referred to a select committee of Messrs. Matlock, Hanna and Gregory.

Mr. Walpole presented the petition of John Packhurst and others for a State Road from Portland in Hancock county to Andersontown in Madison county;

Which was referred to a select committee of Messrs. Walpole, Macy, Peaslee and Wyman.

Mr. Hanna presented the petition of Josephus Cicero Worrell on the subject of Education;

Which was referred to the committee on Education.

Mr. Blair presented the petition of sundry citizens of the counties of Decatur, Rush, Shelby and Bartholomew for the formation of a new county;

Which was read and referred to a select committee of Messrs. Blair Reeve, Williams of R. Boon, Peaslee, Nickel, Lee and Tannehill.

Mr. Sims presented the petition of sundry citizens of the counties of Morgan and Putnam for a State Road therein named;

Which was referred to the committee on Roads.

Mr. Walpole presented the petition of Thomas L. Fuqua and others for a State Road from the west line of Hancock county to New Castle in Henry county;

Which was read and referred to a select committee of Messrs. Walpole, Macy and Murphy.

Mr. Haymond from the committee on Elections made the following report:

MR. SPEAKER:

The committee on Elections to which was referred the certificates of the several members of this House, have had the same under consideration, and have directed me to report that the following named gentlemen have been duly elected members and entitled to their seats as such, to-wit:

From the county of Dearborn—Alexander E. Glenn, Abram Ferris, George Arnold and Enoch W. Jackson.

Wayne—Nathan Smith, Richard J. Hubbard, Joseph C. Hawkins and Achilles Williams.

Rush—Benjamin F. Reeve, Ward W. Williams and Benjamin Boon.

Parke—Jeptha Garrigus and William T. Noel.

Montgomery—John Bryce, Henry Ristine and Henry S. Lane.

Morgan—John Sims.

Pike—George H. Proffit.

Clinton—Andrew Major.

Lawrence—Vinson Williams and Melchert Helmer.

Spencer—Mason J. Howell.

Henry—David Macy and Miles Murphy.

Fayette—Marks Crume and Wilson Thompson.

Marion—Robert Hanna and Alexander F. Morrison.

Union—William H. Bennett and James Leviston.

Sullivan—Samuel Brown and William R. Haddon.

Monroe—William Berry.

Jefferson—Joseph G. Marshall and Milton Stapp.

Tippecanoe—Thomas Watson and Samuel A. Huff.

Franklin—Rufus Haymond and Redin Osborn.

Ripley—Hezekiah Shook.

Warrick—Christopher C. Graham.

Washington—Henry C. Monroe and Samuel M. Huston.

Hamilton—Jacob Robbins.

Allen—Lewis G. Thompson.

Madison—Henry Wyman.

Fountain—Thomas J. Evans and James B. Carleton.

Jackson—John F. Carr.

Clark—Benjamin Ferguson, Thomas J. Henley and Henry Hurst.

Putnam—John W. Cunningham and James Gaddis.

Jennings—Ezra F. Peabody.

Vigo—Thomas Dowling and William Wines.

Floyd—Shepherd Whitman.

Bartholomew and part of Brown—Thomas G. Lee and Zachariah Tannehill.

Knox---Samuel Judah and Jonathan P. Cox.
 Scott---John E. Roe.
 Decatur---James Blair.
 Green---Drury B. Boyd.
 Owen---Basil Champer.
 Posey---Robert Dale Owen.
 Gibson---Smith Miller.
 Cass---Job B. Eldridge.
 Carroll---Samuel Milroy.
 Harrison---George R. P. Wilson and John Zenor.
 Vermillion---Lewis Burns and John Porter.
 Hendricks---William T. Matlock.
 Shelby---William J. Peaslee and Joseph B. Nickel.
 Randolph---Zachariah Puckett.
 Orange---Joel Vandever.
 Vanderburgh---William T. T. Jones.
 Warren---James Gregory.
 Boone---Joseph E. Hocker.
 Clay---Samuel Howe Smyth.
 Delaware---John Richie.
 Perry---Robert G. Cotton.
 Johnson---Benjamin S. Noble.
 Hancock---Thomas D. Walpole.
 Elkhart---Ebenezer M. Chamberlain.
 Laporte---Charles McClure.
 Switzerland---James M. Cotton.
 St. Joseph---John A. Henricks.
 Daviess and Martin---Abner Davis.
 Kosciusko, Marshall and Stark---Aaron M. Perine.
 Grant and Wabash---Josiah L. Wines.
 Huntington, Wells, Adams and Jay---William Vance.
 White---William M. Kenton.
 Dubois and Crawford---Aaron B. McCrillins.
 Miami and Fulton---William N. Hood.

Porter, Newton and Lake---Jeremiah Hamel.

Lagrange, Noble, Steuben and DeKalb--David B. Herriman.

Mr. Murphy from the committee on Canals and Internal Improvement made the following report:

MR. SPEAKER:

The committee on canals and internal improvovement, to which was referred a joint resolution of the House, No. 65 "a joint resolution relative to the connection between the White Water and Central Canals," and have directed me to report it back to the House with an amendment by striking out after the second line these words,

"If the Board of Internal Improvement after further examination continue of the opinion that it is impracticable to construct a canal, then and that case the same shall be;" and insert the following:

"The said road to connect said canals be and the same is hereby," in which the concurrence of the House is requested.

On motion,

The House concurred in the report and amendment to said joint resolution, and the joint resolution to be engrossed for a third reading on tomorrow.

The following report was made by Mr. Owen, from the committee on canals and internal improvements.

MR. SPEAKER:

The committee of canals and internal improvement to which were referred certain petitions relative to the improvement of the navigation of the lower portion of the Wabash river, have had that subject under consideration, and have instructed me to report a bill No. 131, to provide for the improvement of the Wabash river.

Which was read the first time and passed to a second reading on tomorrow.

Mr. Stapp from the committee on canals and internal improvement made the following report:

MR. SPEAKER:

1st. The committee on canals and internal improvement, to which was referred the petition of D. L. Livings and others, on the subject of classifying the works of internal improvement.

Also, the petition of Samuel Heath and others, on the same subject.

2nd. Also, a resolution directing them to enquire into the expediency of reporting a bill to prohibit the board of internal improvement from making any lettings on the public works now authorized by law to exceed the annual amount to be hereafter appropriated by law to the construction of said works, &c.

3rd. Also, the rejected report of Mr. Williams to the board of internal improvement.

4th. Also, the petition of James B. Fullwider and other citizens of Miami county, praying that settlers upon canal lands shall be secured in the lands on which they have settled; and be protected against later settlers, have had the same under their consideration, and have directed me to report, that it is expedient to legislate on the subject above referred to them.

Your committee has, also, had under their consideration a resolution requesting them to report to this House "the number of officers now employed on the public works which can be dispensed with the ensuing year, and have directed me to report that the committee have no means of knowing the number of officers thus supposed to be uselessly employed and recommend the enquiry to be made of the board of internal improvement.

They have also had under their consideration a joint resolution No. 99, relative to the connection between the White Water and Central Canals, above the mouth of Garrison's Creek, and have directed me to report the same to the House, and ask the indefinite postponement of said joint resolution.

Mr. Williams of R. moved that so much of said report, as relates to the joint resolution No. 99, relative to the connexion between the White Water and Central Canals, above the mouth of Garrison's Creek, be laid upon the table.

Mr. Ferguson moved to amend said proposition so that the whole of said report be laid upon the table;

Which was decided in the negative.

And the question then recurring on the proposition of Mr. Williams of R.

And then the ayes and noes being requested thereon by Messrs. Reeve and Pucket.

Those who voted in the affirmative, were

Messrs. Boon,
Boyd,
Bryce,

Messrs. Hocker,
Howell,
Huff,

Messrs. Richey,
Restine,
Thompson of F.,

Burns,
Chamberlain,
Cox,
Cunningham,
Gaddis,
Garrigus,
Glenn,
Graham,
Gregory,
Henley

Lane,
Major,
Matlock,
McCrillus,
Noel,
Perine,
Porter,
Puckett,
Reeve,

Walpole,
Watson,
Whitman,
Williams of L.,
Williams of R.,
Wilson,
Wines of G. & W.,
Zenor and
Mr. Speaker.—37.

YES
Those who voted in the affirmative, were

Messrs. Arnold,
Bennett,
Berry,
Blair,
Brown,
Carleton,
Carr,
Champer,
Cotton of P.,
Cotton of S.,
Eldridge,
Ferguson,
Ferris,
Haddon,
Hamel,
Hawkins,
Haymond,
Helmer,

Messrs. Henricks,
Herriman,
Hood,
Hubbard,
Hurst,
Jackson,
Kenton,
Lee,
Leviston,
Macy,
McClure,
Miller,
Milroy,
Monroe,
Morrison,
Murphey,
Nickel,
Noble,

Messrs. Osborn,
Owen,
Pabody,
Peaslee,
Proffitt,
Robbins,
Roe,
Sims,
Smith of W.,
Smydth of C.,
Stapp,
Tannehill,
Thompson of A.,
Vance,
Vandeveer,
Williams of W.,
Wines of V., and
Wyman—54.

So said motion was decided in the negative.

And a division being called for on concurring in the report of the committee.

Mr. Cotton of Switzerland moved to recommit the first branch of the report, with the petitions referred to therein, to a select committee.

And the ayes and noes being requested thereon by Messrs. Glenn and Milroy,

Those who voted in the affirmative, were

Messrs. Arnold,
Bennett,
Blair,
Boon,
Brown,
Burns,
Carr,

Haddon,
Henley,
Hocker,
Howell,
Hurst,
Jackson,
Judah,

Nickel,
Noel,
Owen,
Peaslee,
Perine,
Porter,
Reeve,

Cotton of P.,
Cotton of S.,
Ferguson,
Ferris,
Garrigus,
Glenn,
Gregory,

Kenton,
Leviston,
Major,
McCrillus,
Miller,
Milroy,

Roe,
Smith of W.,
Walpole,
Williams of R.
Wilson and
Zenor—40

Those who voted in the negative, were

Messrs. Berry,
Boyd,
Bryce,
Carleton,
Chamberlain,
Cox,
Eldridge,
Gaddis
Graham,
Hamel,
Hanna,
Hawkins,
Haymond,
Helmer,
Henricks,
Herriman,
Hood,
Hubbard,

Messrs. Huston,
Jones,
Lane,
Lee,
Macy,
Marshall,
Matlock,
M'Clure,
Monroe,
Marlison,
Murphey,
Noble.
Orsborn,
Pabody,
Proffitt,
Richey,
Ristine,

Messrs. Roblins.
Sims,
Snydth of C.
Stapp,
Tamehill,
Thompson of A.
Thompson of F-
Vance,
Vandeveer,
Watson,
Whitman,
Williams of L.
Williams of W.
Wines of G. and W.
Wines of V.
Wyman and
Mr. Speaker—52

So said motion was decided in the negative,

And then the House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

Mr. Proffitt having obtained leave made the following report, which was laid upon the table.

MR. SPEAKER:—

The select committee to which was referred a resolution relative to an investigation into the affairs and conduct of the State Bank of Indiana and its Branches, has instructed me to report that they did on the 26th December, address the president of the Branch Bank at Indianapolis, the communication marked No. 1, which led to the communications Nos. 2, 3, and 4, which the committee has ordered me to lay before the House.

No. 1. (Copy.)

COMMITTEE ROOM, No. 21,

Dec. 26, 1837.

SIR: In behalf of the select committee of investigation of the House of Representatives, it becomes necessary to inquire whether it will be most consistent with your sense of duty, and convenience to permit the members of the committee to examine your books at the Banking House, or to bring the Books, as they may be wanted to the committee room.

Very Respectfully,

Your obedient servant,

SAMUEL JUDAH, *Chairman.*

H. BATES, President of the branch
at Indianapolis of the State Bank of Ind.

No. 2. (Copy.)

BRANCH BANK, INDIANAPOLIS,

Dec. 26, 1837.

SIR: I have just received your note of this inst., on behalf of the committee of investigation of the House of Representatives, enquiring whether it will be most consistent with my sense of duty, and convenience to permit the members of the committee to examine our books at the Banking house, or to carry them to the committee room, as they may be wanted.

As I am wholly unapprised of the object of this investigation, or of the points to which the inquiries of the committee are to be directed, you will do me a favor if you will furnish me a copy of the Resolution, under which this committee has been raised, and any instructions that may have been given, as to the manner, or subject matter of investigation, that I may submit them, with your communication to the Board of Directors of this Branch for their consideration.

The Board of Directors will convene to-morrow morning, early.

Very Respectfully,

H. BATES, *President.*

Hon. SAM'L. JUDAH.

No. 3. (Copy.)

BRANCH OF THE STATE BANK OF INDIANA,
Indianapolis, Dec. 27, 1837.

At a meeting of the Board of Directors of this Branch, held at the Banking House, on this day, was unanimously

Resolved, That the Committees, appointed by the respective branches of the Legislature, to examine the State Bank and branches, be permitted to have free access, at the Banking House, to such books, papers, and funds of this Office, as are necessary to make such examinations: Provided that at least a majority of any such committees be present while any such examinations are going on.

Resolved, That the only proper, and legal mode of examining the State Bank and branches, by the legislature, is as is directed by the 26th section of the charter, *by an agent, appointed by the General Assembly*, who could take the time necessary to make a full, and fair examination.

Resolved, That examinations by committees of the respective branches of the legislature, who are afterwards, to a certain extent to be the judges in the case, and who, from the press of other public engagements, would not be likely to take the time necessary, to make a thorough investigation, is neither authorized by the charter, by good policy, nor, by the interest of the State, and the permission hereby given, shall not be considered a precedent for the future.

Resolved, That Messrs. Blythe and Blake act with the Officers of the Bank, in receiving the committee, and furnishing the information desired.

A copy from the minutes

B. F. MORRIS, *Cashier.*

No. 4. (Copy.)

Resolved, That the chairman inform the Branch Bank at Indianapolis, that the committee have received the resolutions of the Board of Directors of this date, and that,

1st. We know of no other committee of investigation.

2d. We are not disposed to enter into a discussion, as to the legal mode of examining the State Bank, and Branches, and are content to know our duty, under the order of the House, and to labor to discharge it

3d. We consider the third resolution of the Bank Directory uncour

tious to the committee, and inconsistent with the respect which is due to the opinion of the House, expressed in the adoption of the resolution under which this committee act.

4th. That the chairman transmit a copy of the above resolution to the Branch Bank at Indianapolis, and report the whole proceeding to the House.

Mr. Jones having obtained leave, offered the following resolution:

Resolved, That the use of the Hall of the House of Representatives be tendered this evening, at 6 o'clock, to Dr. K. E. Burhan's to deliver a lecture on Phrenology.

Mr. Graham from the committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The joint committee on Enrolled Bills report that they did this day compare the enrolled with the engrossed bills of the House,

No. 31, "An act to change the name of the town of Middletown."

No. 34, "An act for the relief of Joseph Wells."

No. 59, "A joint resolution respecting the extension of the franking privilege,"

And find the same truly enrolled.

Whereupon the Speaker signed the same.

Ordered, That the clerk carry them to the Senate for the signature of their President.

The House then resumed the consideration of the report made from the committee on Canals and Internal Improvements.

And before any decision thereon,

The House adjourned until to-morrow morning 9 o'clock.

THURSDAY MORNING, JANUARY 4, 1838.

The House met pursuant to adjournment.

The Speaker laid before the House the following communication

from the Treasurer of State, responding to a resolution of the House, calling for a statement of the situation of the College Fund;

Which was referred to the Committee on Education.

TREASURER'S OFFICE,
Indianapolis, Jan. 3, 1838. }

Hon. THOS. J. EVANS,

Speaker of the House of Representatives:

The following statement is communicated in compliance with the resolution of the House of this instant:

The amount which has been paid into the Treasury from sales of land in the College Township in Monroe, including interest paid by purchasers up to 1st Dec. 1837, is	\$33,032 75
The amount paid on same account from the College Township in Gibson county, up to same period, is	18,789 48
The total amount of interest paid on loans of College Fund in the Loan Office, up to Nov. 30, 1837, is	22,124 98
	\$73,947 24

The entire amount of disbursements of this fund, including incidental expenses of Loan Office, &c. up to Nov. 30, 1837, has been	\$27,513 09
	\$46,434 15

Leaving a balance of	\$46,434 15
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Which is all (except \$648 58) out on loan, mostly at an interest of 9 per cent.

There is yet due from purchasers of College lands in the townships of Gibson and Monroe, and which is at interest at the rate of 6 per cent. per annum, about	24,000 00
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There are yet unsold in the two College Townships about 70 half quarter sections, which are not regarded as of much value.

This view of the College Fund presents a productive fund of \$70,434 15, as follows:

1st. The amount of loans outstanding at the Loan Office, and which are mostly drawing 9 per cent. per annum, \$46,434 15, and which produces annually the sum of say	\$3,800 00
2nd. Amount due from purchasers of College Lands (and which is drawing 6 per cent. per annum) \$24,000, and which produces annually the sum of	1,440 00
	\$5,240 00

Making the annual income of the College Fund from interest \$5,240 00.

The annual expenses of the College are about \$3,500.

Respectfully,

N. B. PALMER,

Treasurer of State.

Mr. Sims presented the petition of sundry citizens of the county of Morgan, on the subject of the jurisdiction of justices of the peace;

Which was referred to the same select committee, to whom other petitions on that subject were referred.

Mr. Wines of G. and W. presented the petition of H. Hanna and others, for a charter for a Hotel Company;

Which was referred to the committee on Corporations.

On leave granted, Mr. Judah introduced the following resolution:

Resolved, That the committee on the State Bank inquire whether any, and if any, what legal provision can be made to restrain Insurance Companies and Savings Institutions from violating the laws of the State in the purchase of fictitious bills of exchange, of notes and bonds made to be discounted, or otherwise; to report, if necessary, a bill.

Mr. Smith of W. presented the remonstrance of sundry citizens of the county of Jay, against a division of said county;

Which was referred to the same select committee to whom petitions on that subject were referred.

And on motion,

Mr. Richey was added to said committee.

Mr. Perine presented the petition of Charles Sleeper and others, for a state road therein named.

Also the petition of Isaac Summey and others, for a state road from Warsaw to Rochester.

Which were referred to the committee on roads.

Mr. Herriman presented the petition of John Crouch and others, for a state road therein named.

Mr. Walpole presented the petition of William Martindale and other citizens of Hancock county, praying that licensed ministers of the Gospel, be exonerated from working upon public roads and highways.

Which,

On motion of Mr. Bryce,

Was laid upon the table.

Mr. Berry presented the petition of C. Demaree and others, of Monroe county asking that the reserved lands in said county be subjected to taxation.

Which was read and referred to a select committee of Messrs. Berry, Miller and Vandever.

Mr. Morrison presented the petition of John Matthews, asking the confirmation of title to certain property in the town of Indianapolis.

Which was read and referred to the committee on the judiciary.

Mr. Major presented the petition of George McKinsey and others, for the change of a state road in the county of Clinton.

Also, the remonstrances of A. C. Cook, against the establishment of a road therein named.

Which were referred to the committee on roads.

Mr. Herriman presented the petition of William Taylor and others, for a state road from the seat of justice of Noble county to Ontario, in Lagrange county.

Which was referred to the committee on roads.

Mr. Leviston presented the petition of sundry citizens of Union county, on the subject of confining voters to the townships in which they reside.

Which was referred to the committee on elections.

Mr. Bennett presented two several petitions on the same subject.

Which were referred to the same committee.

Mr. Williams of W., presented the petition of sundry citizens of the town of New Boston, in Wayne county, asking a special act for the incorporation of said town.

Which was referred to a select committee of Messrs. Williams of W., Hawkins, Smith of W. and Hubbard.

Mr. Bryce from judiciary committee made the following report,

The judiciary committee to whom was referred a resolution instructing them to enquire into the expediency of abolishing imprisonment for debt, have had the same under consideration, and have instructed me to submit the following report and bill,

REPORT,

The constitution of Indiana, breathing the same spirit of the inimitable declaration of independence, declares that the fundamental principles of all free governments, are so secured to the citizen, the enjoyment of life, liberty, the right to acquire property and to pursue happiness. Crime alone can work a forfeiture of these unalienable rights. To preserve liberty the law must define crime and determine its punishment. That the citizen may not be wrongfully oppressed the constitution secures to the accused; the right of trial by a jury of his country. To violate this principle would be despotism. If the liberty of the citizen

is to be forfeited for insolvency; should not the law pronounce it a crime, and affix its appropriate punishment? Should not the trial in such cases be by jury as in all other criminal cases? Are not all these sacred principles violated in the imprisonment of the unfortunate insolvent for debt? Under the law for the imprisonment of the citizen for debt, you take from him his liberty without the accusation of crime, without the intervention of a jury to pass upon his guilt; and submit his punishment to the uncontrolled will of the individual creditor.

To punish a crime which is undefined by law; is more injurious to society than to suffer it with impunity, because of the abuse of power to which the accused is subjected. Abolish imprisonment for debt, and you avoid a greater evil than can be possibly obviated by retaining the law as it now is. Give to the creditor in any case, power over the body of the debtor; and you create at once, what our constitution denounces, and abhors, a privileged order. The liberty of the citizen is surrendered to the creditor, to dispose of at will. Is this right? At will, any creditor can deprive his fellow-citizen, who may chance to be his debtor, should misfortune put it out of his power to pay his debts, be his disposition never so strong to do so. How many of our own citizens, are annually suffering in this; and other States in the union, the deepest humiliation, and degradation, under the law now sought to be repealed. Could we have passed in review the many unfortunate victims of this worse than barbarian law, with their heart-broken wives and children, would not the scene shock our humanity? Wives made widows and children orphans, whilst the whole family are deprived of its support. 'Tis generally conceded that the system of improvement for debt; is at once cruel and oppressive. To secure human liberty you must abolish the system entirely. Too long has human rights been violated, upon the pretext, that fraud in some cases may exist to such a degree; as to justify the depriving a citizen of his liberty. This may be true. But should we therefore put it in the power of a vindictive creditor to punish alike the innocent and guilty at pleasure. Many creditors are relentless. Are we certain that fraud is found only in the debtor? The system had its origin in cupidity. It vests the power in the few, over the many, the fortunate over the unfortunate. Will we tolerate this execrable *thing*? Is it not a remaining vestage of barbarism, which dooms the unfortunate victim however virtuous and honest, to the destiny of the culprit? Ought such a system to be allowed longer to strain and disgrace the statute books of a free, patriotic and generous nation? In the imprisonment of one hundred debtors, one may have deserved the punishment of fraud, and in this lonely case, the cries of ninety-nine innocent sufferers with their afflicted wives and children are unheard, and unregarded.

Contracts are and ought to be sacred; the committee would not impair them. The debtor's property is, as it should be, liable for his debts, with such reservations for the relief of his wife and children as will keep them from present suffering. Such reservations were early made by the Grecian Republic. The principle and practice is still held sacred by all civilized nations. Exhaust the effects of the debtor in the payment of his debts and why deprive him of his liberty? Greece

gave the creditor absolute power over the person of the debtor. History warns us of the effect of this power. They compelled the insolvent to cultivate their lands as beasts of burdens, to transfer his sons and daughters to the creditor, who transported and sold them as slaves. Athens too, in her more than barbarous state, tolerated this cruel policy, until abolished by *Solon* her wise law-giver. The Twelve Tables of ancient Rome still more cruel, gave to the creditor the absolute power over his insolvent debtor, thirty day after judgment; he kept him in prison on fifteen ounces of rice per day, and was allowed to bind him with heavy chains and expose him in the public market three several times to excite the sympathy of his friends, if that failed to induce them to pay the debt for him, in sixty days thereafter the insolvent debtor, was either put to death or sold as a slave; and if there were more creditors than one, they might legally dismember his body, and divide it between them. In England, for many centuries, personal liberty, was held sacred and inviolable, property alone could be taken for debt. In the reign of Henry III imprisonment for debt in favor of the Barons, was first recognised. The objection to it at that time was its infliction at the pleasure of the Baron without trial. The court soon extended it under pretext of crime on the part of the debtor, without the authority of law. In the reign of Edward the first, Henry's successor the right of imprisonment for debt was extended to merchants who often cruelly enforced it. Not until the reign of Edward the III., did the British parliament extend the principle in debt and detainue. For one hundred and fifty years the subject slumbered and ever since its general adoption in that nation many of her ablest and most patriotic statesmen have deplored its existence; and have made several efforts to correct the abuses; but the influence of the creditors and the power of the courts have been too formidable. Oppression will never end in the opinion of the committee, whilst a vestage of the system prevails.—There is happily a spirit aroused in the land against this practice, and the public mind will not again slumber or be quieted until this worse than savage law, is banished from our statute books. No country on earth, ought more highly to appreciate personal liberty than ours: 'twas bought with the blood and treasury of our patriotic ancestors. But so long as the body of the citizen, is subject to arrest in civil cases, on original, *mense*, of final process to coerce the surrender of property; there is no security, that the most meritorious citizen in the nation may not end his days in a loathsome jail, you cannot arrest the man who may be in the possession of stolen goods without first swearing out a search warrant. You cannot imprison the highway robber without first giving him a hearing before an examine court, nay even the murderer has this right secured to him. Not so the unfortunate debtor; under the mildest insolvent law, he is at the mercy of his creditor, who without oath or trial of any sort, may both arrest and imprison him. The plea of necessity can be no justification in this case. Confine a man in jail by the lawful authority of a fellow citizen, if but for one hour, and you degrade him in his own eyes, and with society, he often sinks into despondency, and his fu-

ture usefulness is wholly destroyed. 'The citizen who has become from any cause insolvent, be he the most distinguished and useful man in the nation, the moment he is unable to pay his debts, forfeits his liberty to his creditor; his former services and patriotism, avail him nothing. If permitted to pass the bounds of the prison walls, it is by the forbearance of another. The friendless debtor is in constant dread whilst his liberty is held only by the sufferance of his creditor. Abolish imprisonment for debt, and the parties will know the source for the fulfilment of their contracts. The creditor will trust to the ability of the debtor; or will require adequate security. Thus will you place all contracts on their proper basis, and in the opinion of the committee promote the happiness and well being of the State.

The committee ask leave to report the accompanying bill,

No 132, to abolish imprisonment for debt.

Which was twice read the rule having been suspended,

And committed to a committee of the whole House and made the order of the day for Saturday.

Mr. Jones made the following report:

MR. SPEAKER:

The committee on Education to whom was referred a bill No. 35 of the House, relative to the Vincennes University, has had the same under consideration, and directed me to report the same to the House without amendment.

When said bill was ordered to be engrossed for a third reading on tomorrow.

Mr. Morrison made the following report:

MR. SPEAKER:

The committee on the affairs of the Town of Indianapolis, to whom was referred a resolution of this House, instructing them to report to this House the Lots and Lands which may be profitably sold in the town of Indianapolis, with a view to raise a fund for the erection of fire proof offices for the security of the State, and for the archives of the State, having had that subject under consideration, have directed me to make the following report:

Your committee learn from the Report of the Agent of State for the town of Indianapolis, that there are unsold and belonging to the State, at this time, the whole of lots No. 4, 5, 6, 7, 8 and 9, in Square No. 48; and Lot No. 10, in Square No. 54, which have not been reserved for any specific purpose.

There is also 27 acres of Land, lying contiguous to the western range

of in-lots in said town of Indianapolis, convenient to which is located a large basin of the Central Canal, and through which 27 acres of land passes the race or outlet from said canal to White River, which race is intended for hydraulic purposes, the water power therein being as per report of Board of Internal Improvement, equal to that required for "74 pairs of 4½ feet Burr Mill Stones, or other machinery equivalent thereto." This lot of land is known as out-lot No. 147 on the plan of Indianapolis, and is connected by a tract or lot of land purchased for the use of the State from the Steam Mill Company.

In addition to the aforesaid lot and land which your committee think might be profitably disposed of, are lots Nos. 7 and 8, in Square 46, which were originally reserved as appendages to the "Governor's Circle," and which lie on the circle, in a north-western direction from its centre, which, if the building on said circle be not appropriated to its original intention, the residence of the Governor, are of no avail to the public, and should be sold, for the reason that they are in demand by persons wishing to build upon them, and who are willing to pay high prices for them, and probably as great prices as they will command at any time during the next ten years.

Should the General Assembly determine upon any manner of appropriating the Circle, other than as a residence for the Governor, the two last mentioned lots are unnecessary to any public use, but their retention as state property serves to check improvement in that section of the town, evidently to the detriment of the public.

Your committee would suggest the following disposition of the aforesaid lots and lands, as best subserving all public convenience, and as calculated to yield advantages to the State, by providing means for her obvious necessities in erecting her public edifices.

First. The lots Nos. 4, 5, 6, 7, 8 and 9 in Square No. 48, be set apart as sites for the erection of Fire Proof Offices for the protection of the State archives.

Second. That a portion of out-lot No. 147 be divided into lots of one third of an acre each, and offered for sale, particularly all that part of said lot and the grounds of the State which lie between the canal race or out-let and Washington street, containing something near 6 or 7 acres.

And *Thirdly*, that lot No. 10, in Square No. 54 be sold, and that such disposition be made of the Governor's Circle as will comport with the spirit of its original reservation for a public purpose, and as will satisfy the purchasers of lots in the vicinity in regard to their vested rights, and that the money which the State has expended in the erection of the building thereon may be returned to its treasury.

From the fact that this race and basin have been located upon and in the vicinity of lot No. 147, and as all its advantages in reference to the public works have been fully developed, your committee are of opinion that in anticipation of the benefits resulting therefrom, purchasers would be willing to pay such prices as would fully satisfy the State, by adding a large sum to the Indianapolis Fund. In addition to the sum actually received from the sale of this southern portion of said lot, the property of the State lying north of the race will be greatly enhanced by the previous

sale, and may at some future period be offered for sale under the most advantageous circumstances.

Mr. Judah gave notice that he would on to-morrow move to amend the Rules of the House as follows:

"That until the committee on revision shall have completed its work, reports from that committee shall be at all times in order."

The House then resumed the consideration of the report made on yesterday, from the committee on Canals and Internal Improvements.

And before any decision thereon,

The House adjourned until 2 o'clock P. M.

2 o'clock, P. M.

The House met;

And on leave granted,

Mr. Marshall from the committee on the State Bank made the following report:

MR. SPEAKER:

The committee on the State Bank to which was referred a resolution of this House, directing an inquiry into the expediency of providing for the immediate reception of the fourth instalment of the surplus revenue of the United States, which will be due this State by act of Congress Jan. 1, 1839, have had that subject under consideration, and have directed me to report a bill

No. 133, to amend an act to provide for the distribution of so much of the Surplus Revenue of the United States as the State of Indiana may be entitled to, and receive by virtue of an act of Congress, approved June 23, 1836.

Which was read the first time,

And passed to a second reading on to-morrow.

The House then resumed the consideration of the report from the committee on Canals and Internal Improvements,

And after discussion thereon, before any decision was had,

The House adjourned until to-morrow morning 9 o'clock.

FRIDAY MORNING, Jan. 5, 1838.

The House met pursuant to adjournment.

The rules of the House having been suspended,

On motion of Mr. Thompson of A.,

Resolved, That the House of Representatives will, the Senate concurring, on Wednesday next at 10 o'clock A. M., proceed to the election of three members of the board of Internal Improvement, to fill the vacancies occasioned by the expiration of the term of service of Samuel Lewis, J. G. Clendenin and John A. Graham.

Ordered, That the Senate be informed thereof and their concurrence requested.

On motion of Mr. Judah,

Resolved, That until the committee on revision shall have completed its work, reports from that committee, shall be at all times in order.

Mr. Haymond presented the petition of William Hutchinson and others for the change of the name of the town of Edinburg in Franklin county, to that of Drewsburg,

Which was referred to a select committee of Messrs. Haymond, Osborn and Hubbard.

Mr. Hood presented the memorial of William Polk late commissioner on the Michigan Road,

Which was referred to a select committee of Messrs. Hood, M'Clure, Eldridge, Morrison and Peaslee.

Mr. Davis presented the Remonstrance of sundry citizens of the counties of Martin and Davis against a change in the New Albany and Vincennes Turnpike road,

Which was referred to the committee on Canals and Internal Improvements.

Mr. Vandever presented the petition of A. J. Simpson and others for a change in the state road from Troy to Paoli.

Also, the petition of W. A. Bowles and others on the subject of an appropriation of the three per cent fund heretofore made the Paoli and Troy state road,

Which were referred to a select committee of Messrs. Vandever Whitman and Cotton of P.

Mr. Smith of W., presented the remonstrance of William Burch and other citizens of the county of Jay against a division of said county,

Which was read and referred to the same select committee to which petitions on that subject were referred.

Mr. Leviston presented the petition of sundry citizens of the county of Union, on the subject of the laws regulating the Militia,

Which was referred to the committee on Military Affairs.

Mr. Richey presented the petition of John M'Laughlin and others for a state road from Muncietown to Frankfort,

Which was referred to the committee on roads.

The following message was received from the Senate, by Mr. Test their Secretary:

MR. SPEAKER:—

I am directed by the Senate to inform the House of Representatives, that the Senate have passed engrossed bills of the House entitled,

No. 27. An act to authorize the commissioners of Kosciusko county to recover certain amount of the three per cent. fund heretofore appropriated to that county.

No. 29. An act authorizing the sale of a certain school House, and lot in the county of Washington. Each without amendment.

Also, the Senate has passed an engrossed bill thereof, entitled

No. 56. An act to enable the school commissioner of Ripley county to do certain acts.

In which they respectfully request the concurrence of the House.

Bill No. 56, accompanying said message was read the first time and passed to a second reading on to-morrow.]

The following message was received from the Senate by Mr. Test their Secretary:

MR. SPEAKER:

I am instructed by the Senate to inform the House of Representatives, that the Senate has passed engrossed bills of the House, entitled

No. 11. An act for the relief of Jonathan Parks.

No. 22. An act to legalize the acts of Moses Gray as recorder of Scott county.

No. 28. An act on the subject of appropriation of the three per cent. fund heretofore appropriated to Orange county. Each without amendment.

Also, the Senate has passed engrossed bills thereof, entitled

No. 10. An act to establish state roads from Jamestown in Elkhart county, to Plymouth in Marshall county, to the Fort Wayne State road near Jacob Burketts in St. Joseph county.

No. 20. An act to locate a state road from Indianapolis, Marion county, through Johnson county, and Shelby county to Shelbyville in Shelby county.

No. 21. An act relative to changing the mode of electing a commissioner of the three per cent. fund in the county of Daviess.

No. 22. An act changing a part of the Vernon and Greensburgh state road.

No. 31. An act to amend the 42nd section of an act entitled an act relating to state roads, approved Feb. 6, 1837.

No. 35. An act to locate a State road from Cambridge City to Fort Wayne.

No. 42. An act to locate a state road therein named.

In all of which engrossed bills of the Senate the concurrence of the House, is respectfully requested.

Bills No. 10, 20, 22 and 42 of the Senate, accompanying said message, were severally read the first and second time,

The rule having been suspended,

And referred to the committee on Roads.

Bill No. 21 of the Senate,

Was read the first and second times,

The rule having been dispensed with,

And ordered to a third reading on to-morrow.

No. 35 of the Senate

Was read the first and second time,

The rule having been suspended,

And referred to a select committee of Messrs. Hubbard, Thompson of A., Smith of W. and Puckett.

No. 31 of the Senate

Was read the first time,

And passed to a second reading on to-morrow.

The following message was received from the Senate, by Mr. Test, their Secretary:

MR. SPEAKER:

I am instructed by the Senate to inform the House of Representatives, that the Senate has passed an engrossed bill of the Senate, entitled

No. 64, an act for the relief of the Collector of the State revenue of Perry county;

In which the concurrence of the House is respectfully requested.

Bill No. 64, accompanying the message, was,

The rule having been suspended,

Read three times and passed.

Ordered, That the clerk inform the Senate thereof.

On motion of Mr. Chamberlain,

The previous orders of the day were suspended,

And the bill of the House No. 61, for the relief of Henry Matthews was taken from the table,

And referred to the committee on the Judiciary.

Mr. Graham from the committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The joint committee on Enrolled Bills report that they did this day compare the enrolled with the engrossed bills of the House,

No. 27. "An act to authorize the Board of Commissioners of Kosciusko county to recover the amount of certain three per cent. fund heretofore appropriated to that county."

No. 29. "An act authorizing the sale of a certain school house and lot in the county of Washington."

And find the same truly enrolled,

Whereupon the Speaker signed the same.

Ordered, That the clerk carry them to the Senate for the signature of their President.

Mr. Grrham from the joint committee on Enrolled Bills made the following report:

MR. SPEAKER:

The joint committee on Enrolled Bills report that they did this day present to his Excellency the Governor, for his approval and signature, the following bills:

No. 23. "An act to change a part of a State road therein named."

31. "An act to change the name of the town of Middletown."

34. "An act for the relief of John Wells;"

Also,

59. "A joint resolution respecting the extension of the franking privilege."

The House then resumed the consideration of the report from the committee on Canals and Internal Improvements.

And after further discussion thereon,

Before any decision was had,

The House adjourned until to-morrow morning 9 o'clock.

SATURDAY MORNING, Jan. 6th, 1838.

The House met pursuant to adjournment.

The Speaker laid before the House the following communication from His Excellency the Governor and resolutions of the State of Rhode Island;

Which were read and laid upon the table.

EXECUTIVE DEPARTMENT,

Providence, Rhode-Island, Dec. 20, 1837.

SIR: In obedience to the request of the General Assembly of this State

I have the honor herewith to transmit you a copy of the annexed Resolutions.

I have the honor to be, with sentiments of high respect,

Your obedient servant,

JOHN BROWN FRANCIS.

To his Excellency the Governor of Indiana:

EXECUTIVE DEPARTMENT, Jan. 6, 1838.

Hon. THOS. J. EVANS,

Speaker of the House of Representatives:

Please lay before the House of Representatives the accompanying resolution of the General Assembly of the State of Rhode Island.

DAVID WALLACE.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS.

In General Assembly, October Session, A. D. 1837.

WHEREAS the compact of Union between these States was entered into by the people thereof in their respective States, "in order to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to themselves and their prosperity:" And, thereupon, a Representative Government was instituted by them, with certain limited powers, clearly specified and defined in the Constitution: All other powers, not therein expressly relinquished, being "reserved to the States respectively or to the people." And whereas this limited government possesses no power to extend its jurisdiction over any foreign nation; and no foreign nation, country or people can be admitted into this Union but by the sovereign will and act of the free people of all and each of these United States; nor without the formation of a new compact of Union: and another frame of government radically different, in objects, principles and powers from that which was framed for our own self-government; and deemed to be adequate to all the exigencies of our own free Republic:

Therefore Resolved, That we have witnessed with deep concern the indications of a disposition to bring into this Union, as a constituent member thereof, the foreign province or territory of Texas.

Resolved, That although we are fully aware of the consequences which must follow the accomplishment of such a project, could it be accomplished: aware that it would lead speedily to the conquest and annexation of Mexico itself, and its fourteen remaining provinces or intendencies, which, together with the revolted province of Texas, would furnish foreign territories and foreign people for at least twenty members of the new Union. That it would load the nation with debt and taxes; and by involving it in perpetual wars and commotions, both foreign and internal would furnish a pretence (which a state of war never fails to furnish) for the assumption and exercise of power incompatible with our free republic-

lican institutions, and subversive of the liberties of the people. That the government of a nation so extended and so constructed, would soon become radically changed in character, if not in form; would unavoidably become a military government; and under the plea of necessity would free itself from the restraints of the constitution, and from its accountability to the people: That the ties of kindred, common origin and common interests, which have so long bound this people together, and would still continue to bind them;—these ties, which ought to be held sacred by all true Americans, would be angrily dissolved; and sectional political combinations would be formed with the newly admitted foreign States, unnatural and adverse to the peace and prosperity of the country. That the civil government with all the arbitrary powers it might assume, would be unable to control the storm. The usurper would find himself in his proper element; and, after acting the patriot and hero for a due season, as the only means of rescuing the country from the ruin which he had chiefly contributed to bring upon it, would reluctantly and modestly allow himself to be declared “Protector of the Commonwealth.”—That we are fully aware of the deep degradation into which this young Republic would sink itself in the eyes of the whole world should it annex to its own vast territories other and foreign territories of immense, though unknown extent, for the purpose of encouraging the propagation of slavery, and promoting the raising of slaves within their own bosom,—the very bosom of freedom, to be exported and sold in those unhallowed regions. Although we are fully aware of these fearful evils and numberless others which would come in their train, yet we do not here dwell upon them, because we are firmly convinced that the free people of most, and we trust of all these States, will never suffer the admission of the foreign territory of Texas into this Union as a constituent member thereof; will never suffer the integrity of this Republic to be violated either by the introduction and addition to it of foreign nations or territories, one or many, or by the dismemberment of it by the transfer of any one or more of its members to a foreign nation. The people will be aware that should one foreign State or country be introduced, another and another may be, without end, whether situated in South America, in the West India Islands, or in any other part of the world. And that a single foreign State thus admitted, might have it in his power, by holding the balance between contending parties, to wrest their own government from the hands and control of the people, by whom it was established for their own benefit and self-government. We are firmly convinced that the free people of these States will look upon any attempt to introduce the foreign territory of Texas, or any other foreign territory or nation, into this Union, as a constituent member or members thereof, as manifesting a willingness to prostrate the Constitution and dissolve the Union.

Resolved, That His Excellency the Governor be requested to forward a copy of the foregoing resolutions to each of our Senators and Representatives in Congress, and to each of the Executives of the several States, with a request that the same may be laid before the respective Legislatures of said States.

A true copy—Witness

HENRY BOWEN,
Secretary of State.

The Speaker laid before the House a communication from the Board of Internal Improvement enclosing a report from the principal Engineer in relation to the Erie and Michigan Canal made during the past year,

Which was read and referred to the committee on Canals and Internal Improvements.

And 1,000 copies thereof ordered to be printed.

On motion of Mr. Hawkins the previous orders of the day were suspended,

And the vote on the adoption of the resolution for going into the election of printer for the House, was re-considered.

And amended by striking out "Saturday the 13th inst.," and inserting "instantly,"

When said resolution as amended was adopted.

The House then proceeded to elect by *viva voce* vote a printer for the House, in conformity to the provisions of a joint resolution, approved Feb. 4, 1837.

When the votes were as follows:

For Bolton & Livingston.

Messrs. Arnold,	Haddon,	Murphey,
Berry,	Hanna,	Nickel,
Boon,	Henley,	Orsborn,
Boyd,	Herriman,	Owen,
Bryce,	Hocker,	Peaslee,
Brown,	Howell,	Perine,
Burns,	Jackson,	Roe,
Carr,	Judah,	Tannehill,
Chamberlain,	Lee,	Thompson of F.
Crume,	Leviston,	Vandever,
Davis,	Major,	Walpole,
Ferris,	Miller,	Whitman,
Gaddis,	Milroy,	Williams of L.
Garrigus,	Monroe,	Wines of V. and
Glenn,	Morrison,	Wyman—46.
Graham,		

For Osborn & Chamberlain.

Messrs. Bennett,	Hubbard,	Reeve,
Blair,	Huff,	Richey,
Carleton,	Hurst,	Ristine,
Champer	Huston,	Robbins.

Cotton of P.,
Cotton of S.,
Cox,
Cuningham
Dowling,
Eldridge,
Ferguson,
Gregory,
Hamel,
Hawkins,
Haymond,
Helmer,
Henricks,
Hood,

Jones,
Kenton,
Lane,
Macy,
Marshall,
Matlock,
M'Clure,
McCrillus,
Noble.
Noel,
Pabody,
Porter,
Proffitt,
Puckett

Sims,
Smith of W.,
Smydth of C.
Stapp,
Thompson of A.
Vance,
Watson,
Williams of R
Williams of W
Wilson
Wines of G. and W.
Zenor and
Mr. Speaker—53.

Osborn and Chamberlain having received a majority of all the votes given, were by the Speaker, declared duly elected printers for the House of Representatives for the term of three years from and after the first day of August next.

The following message was received from the Governor, by Mr. Maguire his private Secretary:

MR. SPEAKER:

I am instructed by his Excellency the Governor to inform the House of Representatives that he has approved and signed a joint resolution and acts entitled as follows, viz:

No. 59. A joint resolution respecting the extension of the franking privilege.

No. 23. An act to change a part of a state road therein named.

No. 31. An act to change the name of the town of Middletown.

No. 34. An act for the relief of Joseph Wells.

Mr. Hamel presented the petition of sundry citizens of Lake county asking that Deep River be declared a public highway,

Which was referred to the committee on roads.

Mr. Champer presented the petition of Andrew Arney and others for the re-appointment of a commissioner on a state road therein named,

Which was referred to a select committee of Messrs. Champer, Sims and Boyd.

Mr. Davis presented the petition of the Trustees of the Methodist Episcopal Church at Washington, in Davis county,

Which was referred to a select committee of Messrs. Davis, Judah and Cox.

Mr. Vandever presented a petition from sundry citizens of the county of Orange, on the subject of the appointment of a member of the Board of Internal improvement,

Which was read and withdrawn for the purpose of presenting it to the Senate.

Mr. Davis presented the petition of William Ward and others, for an additional justice of the peace in Washington township, in the county of Davis,

Which was read and referred to a select committee of Messrs. Davis, Judah and Cox.

Mr. Morrison presented the petition of Isaac K. Sensany for the erection of a bridge over the Central Canal and indemnity for damages by the opening of said Canal,

Which was referred to the committee on Canals and Internal Improvement.

Mr. Hubbard presented the petition of sundry persons for a state road from Cambridge to Fort Wayne,

Which was referred to the same committee to which other petitions on that subject were referred.

Mr. Hamel from the committee of Ways and Means made the following report,

MR. SPEAKER:

The committee of Ways and Means to whom was referred a bill of the House No. 56, to encourage the killing of Wolves have had the same under consideration and I am instructed by the Chairman of said committee to report it back to the House with an amendment.

On motion,

The House concurred in the amendment,

And the bill was ordered to be engrossed for a third reading on Monday next.

Mr. Macy from the committee on the judiciary made the following report,

Which was concurred in by the House.

MR. SPEAKER:

The judiciary committee to which was referred a resolution directing an enquiry into the expediency of providing by law for the admission of books when a regular day book and ledger are kept, as testimony in courts of justice, also, a resolution directing an enquiry into the propriety of so amending the judiciary system as to make stayors of executions on all judgements rendered by a justice of the peace liable to pay the same in the event the principal should fail; unless said stayor, stays the same at the special request of the endorser.

Also, so much of a resolution as directs an enquiry into the expediency of so amending the law defining the duties of justices of the peace, as to confine their jurisdiction to their several townships in all civil cases.

And a resolution directing an enquiry into the expediency of repealing the law that now requires witnesses in civil cases in circuit courts to claim their fees during the sitting of the term that they are subpoenaed for, and the substitution of a law, giving them the right of claiming their fees before the clerks in vacation, have had the same under consideration and directed me to report that legislation on the above named subjects is inexpedient, and ask to be discharged from the further consideration thereof.

Mr. Chamberlain from the committee on the judiciary, to whom was referred a bill of the House No. 61, for the relief of Henry Matthews, reported the same back to the House without amendment.

When,

Said bill was ordered to a third reading on Monday next.

On motion of Mr. Williams of R.,

The use of the Representative Hall was tendered to the agricultural society for their annual meeting on Monday evening next.

And then the House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met,

And resumed the consideration of the report from the committee on canals and internal improvements, undisposed of at the adjournment on yesterday.

Mr. Hanna moved,

That the first branch of said report to-wit: "that it is inexpedient to legislate on the subject matter contained in petitions asking a classification of the public works," be laid upon the table.

Which motion was decided in the negative.

Mr. Smith of W. moved,

To recommit said branch of the report to the committee on canals and internal improvement with instructions to report a bill making such modifications as are necessary in the system to render it economical in its prosecution and not inconsistent with the act of 1836.

Which did not prevail.

Mr. Henley moved,

To refer the first branch of the report and petitions referred to therein to a select committee, "with instructions to report a bill directing the Board of Internal Improvement, to prosecute the construction of all works now under contract, to such points as will be calculated to make them profitable; then to select, to be first completed, such work or works, as will be most likely to be productive of revenue to the State."

Also to limit said Board in their expenditures to such sum per annum as will not require an increase of the present rate of taxation.

Mr. Perine moved,

That the whole report and restructions be laid upon the table.

And the ayes and noes being requested thereon by Messrs. Henley and Glenn,

Those who voted in the affirmative, were

Messrs. Arnold,
Blair,
Brown,
Burns,
Carr,
Chamberlain,
Cotton of P.,
Cotton of S.,
Cox,
Ferguson,
Ferris,
Glenn,
Gregory,

Haddon,
Hanna,
Hocker,
Howell,
Jackson,
Judah,
Leviston,
Major,
Marshall,
McClure,
McCrillus,
Milroy,
Noel,

Owen,
Peaslee,
Perine,
Porter,
Puckett,
Reeve,
Richey,
Smith of W.,
Walpole,
Watson,
Wilson, and
Zenor—39.

Those who voted in the negative, were

Messrs. Bennett,	Hood,	Roe,
Berry,	Hubbard,	Sims,
Boyd,	Hurst,	Smydth of C.,
Bryce,	Kenton,	Stapp,
Carleton,	Lane,	Tannehill,
Crume,	Lee,	Thompson of A.,
Cunningham,	Macy,	Thompson of F.,
Davis,	Matlock,	Vance,
Dowling,	Miller,	Vandever,
Gaddis,	Monroe,	Whitman,
Garrigus,	Morrison,	Williams of L.,
Hamel,	Murphey,	Williams of R.,
Hawkins,	Osborn,	Williams of W.,
Haymond,	Pabody,	Wines of G. & W.,
Helmer,	Proffitt,	Wines of V.,
Henley,	Restine,	Wyman and
Henricks,	Robbins,	Mr. Speaker—52.
Herriman,		

So said motion did not prevail.

The question then recurring on the proposition of Mr. Henley, to commit with instructions.

And the ayes and noes being requested thereon by Messrs. Henley and Glenn,

Those who voted in the affirmative, were

Messrs. Arnold	Glenn	McCrillus
Bennett	Gregory	Miller
Blair	Haddon	Noel
Boon	Henley	Owen
Brown	Hocker	Peaslee
Burns	Howell	Porter
Carr	Hurst	Roe
Cotton of P.	Jackson	Smith of W.
Cotton of S.	Kenton	Walpole
Ferguson	Leviston	Wilson and
Ferris	Major	Zenor—54.
Garrigus		

Those who voted in the negative, were

Messrs. Perry	Hubbard	Robbins
Boyd	Lane	Sims
Bryce	Lee	Smydth of C.
Carleton	Macy	Stapp
Chamberlain	Marshall	Tannehill
Cox	Matlock	Thompson of A.
Crume	McClure	Thompson of F.
Cunningham	Monroe	Vance

Davis	Morrison	Vandever
Dowling	Murphey	Watson
Gaddis	Osborn	Whitman
Hamel	Pabody	Williams of L.
Hanna	Perine	Williams of R.
Hawkins,	Proffit	Williams of W.
Haymond	Puckett	Wines of G. & W.
Helmer	Reeve	Wines of V.
Henricks	Richey	Wyman and
Herriman	Ristine	Mr, Speaker—55.
Hood		

So said motion was decided in the negative.

Mr. Roe moved that the House adjourn.

And the ayes and noes being requested thereon by Messrs. Bryce and Roe,

Those who voted in the affirmative, were

Messrs. Arnold	Hanna	Perine
Blair	Herriman	Porter
Brown	Jackson	Puckett
Burns	Major	Reeve
Carr	Marshall	Robbins
Chamberlain	McClure	Roe
Ferguson	McCrillus	Wilson and
Ferris	Milroy	Zenor—25.
Gregory		

Those who voted in the negative were,

Messrs. Bennett	Henricks	Ristine
Berry	Hocker	Sims
Boon	Hood	Smith of W.
Bryce	Howell	Smydth of C.
Carleton	Hubbard	Stapp
Cotton of P.	Hurst	Tannehill
Cotton of S.	Kenton	Thompson of A.
Cox	Lane	Thompson of F.
Crumo	Lee	Vance
Cunningham	Leviston	Vandever
Davis	Macy	Walpole
Dowling	Matlock	Watson
Garrigus	Miller	Whitman
Glenn	Monroe	Williams of L.
Graham	Morrison	Williams of R.
Haddon	Murphey	Williams of W.
Hamel	Noel	Wines of G. & W.
Hawkins	Osborn	Wines of V.
Haymond	Owen	Wyman and
Helmer	Pabody	Mr. Speaker—61.
Henley	Peaslee	

So the House did not adjourn.

Mr. Peaslee moved that the report be laid upon the table;

Which was decided in the negative.

And on the question, will the House concur in the first branch of the report made by the committee,

The ayes and noes being requested thereon by Messrs. Gregory and Roe,

Those who voted in the affirmative, were

Messrs. Berry	Herriman	Smith of W.
Boyd	Hood	Smydth of C.
Bryce	Hubbard	Stapp
Carleton	Lane	Tannehill
Chamberlain	Lee	Thompson of A.
Cox	Macy	Thompson of F.
Crume	Marshall	Vance
Cunningham	Monroe	Vandever
Davis	Morrison	Watson
Dowling	Murphey	Whitman
Gaddis	Osborn	Williams of L.
Graham	Pabody	Williams of R.
Hamel	Proffit	Williams of W.
Hanna	Puckett	Wines of G. & W.
Hawkins	Richey	Wines of V.
Haymond	Ristine	Wyman and
Helmer	Robbins	Mr. Speaker.—53.
Henricks	Sims	

Those who voted in the negative, were

Messrs. Arnold	Glenn	Miller
Bennett	Gregory	Milroy
Blair	Haddon	Noel
Boon	Henley	Owen
Brown	Hocker	Peaslee
Burns	Howell	Porter
Carr	Hurst	Reeve
Cotton of P.	Jackson	Roe
Cotton of S.	Kenton	Walpole
Ferguson	Leviston	Wilson and
Ferris	Major	Zenor—35.
Garrigus	M'Crillus	

So said first branch of the report was concurred in.

And then the House adjourned until Monday morning 9 o'clock.

MONDAY MORNING, Jan. 8, 1838.

The House met pursuant to adjournment.

Mr. Cox presented the petition of sundry citizens of the borough of Vincennes, on the subject of the law regulating licenses for retailing spirituous liquor.

Which was read and referred to the committee of Ways and Means.

Mr. Wyman presented the petition of sundry citizens of the county of Madison asking certain relief to be granted to Campbell Dale,

Which was read and referred to a select committee of Messrs. Wyman, Robbins and Vance.

Mr. Vandever presented the petition of sundry citizens of the counties of Martin, Daviess and Green for a state road from Orleans to Carlisle,

Which was referred to a select committee of Messrs. Vandever, Boyd, Davis and Haddon.

Mr. Porter presented the petition of Benjamin Fisher and others, for a state road from Montezuma to the State line in the direction of Bloomfield in Illinois,

Which was referred to the committee on roads.

Mr. Vance presented the petition of sundry citizens of the county of Wells asking the passage of an act authorizing a mill dam across the Wabash river,

Which was referred to a select committee of Messrs. Vance, Hocker and Wyman.

Mr. Marshall presented the petition of the heirs of Amos Butler asking certain relief,

Which was read and referred to the committee on the judiciary.

Mr. McCrilluss presented the memorial of the Levenworth and Bloomington rail road company,

Which was referred to the committee on the judiciary.

Mr. Macy from the committee on the judiciary, made the following report,

MR. SPEAKER:

The judiciary committee to which was referred,

1st. A resolution directing an enquiry into the expediency of reporting a bill making it the duty of the clerks of the several circuit courts

upon the filing in their offices transcripts of judgments rendered in due form of law by justices of the peace, and upon which a return of *nuda bona* has been duly had to enter the same at length in the order books of the circuit court of the county, wherein such judgment was rendered and issue such writ or writs of executions, as if the same had been rendered in the circuit court, and what amendments are necessary to the law in regard to transcripts.

2nd. And a resolution directing an enquiry into the expediency of so amending the law in relation to the jurisdiction of justices of the peace, as to require all pleas bringing the title of land in question to be sworn to.

And a resolution directing an enquiry into the expediency of so amending the estray law, that when the taker up of any estray, wishes to keep the same instead of suffering it to be sold after the expiration of one year, that it shall be re-appraised to him.

3rd. And a resolution directing an enquiry into the expediency of increasing the compensation of grand and petit jurors and witnesses.

4th. And a resolution directing an enquiry into the expediency of requiring plaintiffs in actions of law and chancery to give security for costs, if required, unless they are able to justify as to their responsibility therefor.

And a resolution directing an enquiry into the expediency of so amending the law as to allow probate judges to take acknowledgments of deeds and administer oaths in matters relating to the same.

And a resolution directing an enquiry into the expediency of so amending section 4th of an act subjecting real and personal estate to execution, approved February 4th, 1831, as taken in connection with an act to amend an act entitled an act to subject real and personal estate to execution, approved February 1st, 1831, as to define more clearly the full extent of the value of property as thereby intended to be exempt from execution.

And a resolution directing an enquiry into the expediency of amending the first section of an act regulating prisons and prison bounds so as to enlarge the bounds to such persons as shall be entitled to the benefit of such prison bounds to the limits of the several counties, also, a resolution directing an enquiry whether the 5th and 6th sections of an act regulating the jurisdiction and duties of justices of the peace, approved February 10th, 1831, as relates to justices of the peace finding persons guilty of assault and battery, affrays or other breaches of the peace, above the amount of three dollars, is in true conformity to the Constitution of this State, have had the same under consideration, and directed me to report the above named resolutions back to the House with a recommendation that there reference be changed from the judiciary committee to the committee on revision.

Mr. Bryce moved,

That the first branch of the report be referred to a select committee.
Which did not prevail.

When the report was concurred in generally;

And the subject matter thereof referred to the committee on revision.

The House then resumed the consideration of the report heretofore made from the committee on canals and internal improvement.

Mr. Hood moved,

To refer so much of the report as relates to the canal lands to a select committee.

Which was decided in the negative.

Mr. Cotton of S. moved,

That the fourth branch of the report be referred to a select committee.

Which did not prevail.

When the whole of said report was concurred in.

Mr. Stapp from the committee on canals and internal improvement made the following report,

MR. SPEAKER:

The committee of canals and internal improvement to which was referred the petition of John Kennedy and others, praying the legislature to change the contemplated rail road from Lafayette to Indianapolis to a McAdamized Turnpike, have had the same under their consideration and have instructed me to report that it is inexpedient at this time to legislate on the subject matter referred to them and ask to be discharged from the further consideration thereof.

Mr. Cotton of S. moved,

That said report be laid upon the table.

Which was decided in the negative.

On the question shall the report of the committee be concurred in-

And the Ayes and Noes being requested thereon by Messrs. Howell and Gregory,

Those who voted in the affirmative were:

Messrs. Berry	Henricks	Ristine
Boyd	Herriman	Robbins
Bryce	Hubbard	Sims
Carleton	Kenton	Smydth of C.
Cunningham	Lane	Stapp
Davis	Lee	Tannehill
Dowling	Macy	Thompson of A.
Gaddis	Marshall	Thompson of F.
Graham	Morrison	Vance
Maddon	Murphey	Vandever
Hamel	Noble	Whitman
Hanna	Osborn	Wines of V.
Hawkins	Pabody	Wyman and
Haymond	Richey	Mr. Speaker—44.
Helmer		

Those who voted in the negative, were

Messrs. Arnold	Henley	Noel
Bennett	Hocker	Owen
Blair	Howell	Peaslee
Boon	Huff	Porter
Brown	Hurst	Pucket
Durns	Huston	Reeve
Carr	Jackson	Roe
Cotton of P.	Judah	Smith of W.
Cotton of S.	Leviston	Walpole
Cox	Major	Watson
Eldridge	Matlock	Williams of L.
Ferguson	M'Clure	Williams of R.
Ferris	M'Crillus	Williams of W.
Garrigus	Miller	Wilson
Glenn	Monroe	Wines of G. & W.,
Gregory	Nickel	Zenor—48.

So said report was not concurred in.

Mr. Walpole moved to re-commit said petition and report to a select committee with instruction to report a bill in conformity to the prayer of the petitioners.

Mr. Peaslee moved to amend said instructions as follows:

That the Madison and Lafayette rail road is hereby changed from a rail to a M'Adamized road, and the State Board of Internal Improvement are hereby authorized to adopt such measures as they may think proper in consequence of such change so as to complete said road without unnecessary delay,

Which amendment did not prevail.

Mr. Stapp moved to amend the motion of Mr. Walpole so as to make the reference to the members on the line of said road from Indianapolis to Lafayette inclusive.

When Mr. Macy moved that the report and petition, together with the pending question be laid upon the table.

And before any further action thereon the House adjourned until to-morrow morning 9 o'clock.

TUESDAY MORNING, JAN. 9, 1838.

The House met pursuant to adjournment.

The Speaker laid before the House the annual report of the Trustees of the Indiana College,

Which was referred to the committee on Education, and 500 copies ordered to be printed.

Mr. Wines of G. & W. presented the petitions of sundry citizens of Wabash county asking that certain territory be attached to said county,

Which was referred to a select committee of Messrs. Wines of G. & W., Thompson of A., and Perine.

Mr. Milroy presented the petition of sundry citizens of the county of Carroll on the subject of Water Power at the Canal-dam near Delphi,

Which was referred to the same select committee to which other petitions on that subject were referred, and Mr. Hood was added to that committee.

Mr. Stapp presented petitions for sundry state roads,

Which were referred to the committee on roads.

Mr. Walpole presented the petition of James P. Foley and other citizens of Hancock county, for the re-location of a portion of the state road from the Michigan road to Portland,

Which was referred to a select committee of Messrs. Walpole, Macy, Peaslee and Wyman.

Mr. Morrison from the committee on the affairs of the town of Indianapolis, reported a bill

No. 134, to incorporate the town of Indianapolis in Marion county,

Which was twice read, the rule having been suspended and referred to the committee on Corporations.

Mr. Henricks from the committee on roads to whom was referred the petition of Thomas D. Vail and others of St. Joseph county, for the vacation of a certain state road, reported that the committee had had the same under consideration and directed him to report that it was inexpedient to legislate on that subject.

Which report was concurred in by the House.

The House then resumed the consideration of the report made on yesterday from the committee on Canals and Internal Improvements,

When the motion pending to lay upon the table,

Was decided in the affirmative

On motion of Mr. Champer,

The previous orders of the day were suspended, and the orders of the day were taken up.

The joint resolution No. 5, on the subject of the annexation of Texas to the United States being first in the orders of the day

On the question shall said joint resolution be engrossed for a third reading;

And the ayes and noes being demanded by Messrs. Proffit and Glenn,

Those who voted in the affirmative were:

Messrs. Arnold	Henricks	Proffit
Bennett	Hood	Puckett
Berry	Hubbard	Reeve
Blair	Lane	Ristine
Boon	Leviston	Robbins
Brown	Macy	Sims
Champer	Matlock	Smith of W.
Cotton of P.	McClure	Smyth of C.
Cotton of S.	McCrillus	Stapp
Davis	Murphey	Vance
Eldridge	Noble	Williams of R.
Hanna	Noel	Williams of W.
Hawkins	Osborn	Wines of G. & W.
Haymond	Porter	and Mr. Speaker—40.

Those who voted in the negative, were

Messrs. Boyd	Helmer	Pabody
Bryce	Henley	Peaslee
Burns	Herriman	Perine
Carleton	Hocker	Richey
Carr	Howell	Roe
Chamberlain	Hurst	Shook
Cox	Huston	Tannehill
Crume	Jackson	Thompson of A.
Cunningham	Judah	Thompson of F.
Dowling	Kenton	Vandever
Ferguson	Lee	Walpole
Ferris	Major	Watson
Gaddis	Marshall	Whitman
Garrigus	Miller	Williams of L.
Glenn	Milroy	Wilson
Graham	Monroe	Wines of V.
Gregory	Morrison	Wyman and
Haddon	Nickel	Zenor. —55.
Hamel	Owen	

So said joint resolution was not ordered to be engrossed.

On motion of Mr. Thompson of A.,

That portion of the orders of the day which precedes the bill of the Senate No. 29, to authorize the Fund Commissioners to settle with certain debtors of the State, were suspended, and said bill taken up.

Mr. Perine moved to amend said bill by inserting after the word releases, the words, "so soon as the Board shall be satisfied that the property received will fully indemnify the State."

Mr. Cotton of S. moved to amend said amendment by adding:

"And said Board shall not hereafter negotiate any loan in any other currency than gold and silver, until the banks generally resume specie payment."

And the ayes and noes being requested thereon by Messrs. Henley and Burns,

Those who voted in the affirmative were

Messrs. Arnold,	Glenn,	Monroe,
Bennett,	Gregory,	Nickel,
Berry,	Haddon,	Noel,
Blair,	Henley,	Peaslee,
Boon,	Hocker,	Perine,
Brown,	Howell,	Porter,
Burns,	Hurst,	Reeve,
Carr,	Jackson,	Roe,
Chamberlain,	Kenton,	Shook
Cotton of P.,	Leviston,	Vandever,
30		

Cotton of S.,
Davis,
Feigunson,
Garrigus,

Major,
McCrillus,
Miller,
Milroy,

Walpole,
Williams of L.
Wilson and
Zenor—42

Those who voted in the negative, were

Messrs. Boyd,
Bryce,
Carleton,
Champer
Cox,
Crume,
Cunningham
Dowling,
Eldridge,
Ferris,
Gaddis
Graham,
Hamel,
Hanna,
Hawkins,
Haymond,
Hehner,
Henricks,
Herriman,

Hood,
Hubbard,
Judah,
Lane,
Lee,
Macy,
Marshall,
Matlock,
M'Clure,
Morrison,
Murphey,
Noble.
Orsborn,
Owen,
Pabody,
Proffitt,
Puckett
Richey,

Ristine,
Robbins.
Sims,
Smith of W.,
Smydth of C.
Stapp,
Tannehill,
Thompson of A.
Thompson of F.
Vance,
Watson,
Whitman,
Williams of R.
Williams of W.
Wines of G. and W.
Wines of V.
Wyman and
Mr. Speaker—55.

So said amendment did not prevail.

The question then recurring on the amendment offered by Mr. Perine was decided in the negative.

And on the question shall the bill pass.

And the ayes and noes being requested thereon by Messrs. Henley and Howell,

Those who voted in the affirmative, were

Messrs. Arnold,
Berry,
Boyd,
Bryce,
Carleton,
Chamberlain,
Champer
Cotton of S.,
Cox,
Crume,
Cunningham,
Eldridge
Ferris,
Gaddis,
Graham
Hamel,
Hanna,

Hood,
Hubbard,
Huston
Kenton,
Lane,
Lee,
Macy,
Marshall,
Matlock,
McClure,
McCrillus,
Monroe,
Morrison,
Murphey,
Noble
Noel,
Osborn,

Ristine,
Robbins,
Shook
Sims,
Smith of W.,
Smydth of C.,
Stapp,
Tannehill,
Thompson of A.,
Thompson of F.,
Vance,
Vandever,
Watson,
Whitman,
Williams of L.,
Williams of R.,
Williams of W.,

Hawkins,
Haymond,
Helmer,
Henricks,
Herriman,
Hocker,

Owen,
Pabody,
Peaslee,
Proffitt,
Puckett,
Richey,

Wilson,
Wines of G. & W.,
Wines of V.,
Wyman
Zenor and
Mr. Speaker—71.

Those who voted in the negative, were

Messrs. Bennett,
Blair,
Boon
Brown,
Burns,
Carr,
Cotton of P.,
Davis,
Dowling,
Ferguson,

Garrigus,
Glenn,
Gregory,
Haddon,
Henley
Howell,
Hurst,
Jackson,
Judah,
Leviston,

Major,
Miller,
Milroy,
Nickel
Perine,
Porter,
Reeve,
Roe and
Walpole,—23.

So said bill passed.

Ordered, That the clerk inform the Senate thereof.

And the House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met.

Mr. Owen from the committee on revision reported a bill No. 135 regulating descents, distribution and dower.

Mr. Judah from the committee on revision reported a bill No. 136, regulating divorces.

Also, a bill No. 137, regulating the taking up of animals going astray and water crafts and other articles of value adrift.

Also, a bill No 138, regulating prison and prisons bounds.

Also, a bill No 139, establishing the office and defining the duties of Notary Public.

Also, a bill No. 140, concerning the Secretary of State,

Which were severally read the first and second time, and committed to a committee of the whole House and made the order of the day for Monday next.

Ordered, That 200 copies of the bill No. 136, and 139, be printed.

Mr. Hood introduced a bill No. 141, to provide for the further improvement of the Michigan Road.

Mr. Owen introduced a bill No. 142, to provide for the improvement of the Wabash River.

Which were severally read the first and second times, the rule having been suspended, and committed to the committee on canals and internal improvement.

The then House went into the consideration of the orders of the day.

The bill of the House No. 64, to amend an act entitled an act to provide for a general system of internal improvement, approved January 27, 1836.

Was read the third time,

When,

Mr. Sims moved,

That it be committed to the committee on canals and internal improvements.

Mr. Whitman moved,

To amend the motion to commit by the following instructions, to insert in the proper place, "that the road from Jeffersonville to New Albany thence to Salem, be made a single track rail road, with proper turn outs, and to be graded to fifty feet to the mill, the "rail to be made of timber and flat bar iron."

A division of the question being demanded.

And the ayes and noes requested by Messrs. Gaddis and Berry on the proposition to commit.

Those who voted in the affirmative, were

Messrs. Berry	Hubbard	Robbins
Boyd	Lane	Sims
Carleton	Lee	Stapp
Crume	Marshall	Tannehill
Cunningham	Noble	Thompson of F.
Gaddis	Richey	Whitman and
Howell	Restine	Mr. Speaker—21.

Those who voted in the negative, were

Messrs. Arnold	Haymond	Osborn
Bennett	Henley	Owen
Blair	Henley	Pabody

Boon
 Bryce
 Brown
 Burns
 Chamberlain
 Champer
 Cotton of P.
 Cotton of S.
 Cox
 Davis
 Eldridge
 Ferguson
 Ferris
 Garrigus
 Glenn
 Graham
 Gregory
 Haddon
 Hamel
 Hanna
 Hawkins

Henricks
 Herriman
 Hocker
 Hood
 Huff
 Hurst
 Huston
 Jackson
 Judah
 Kenton
 Leviston
 Macy
 Matlock
 McClure
 McCrillus
 Miller
 Milroy
 Morrison
 Murphey
 Nickel
 Noel

Peaslee
 Perine
 Porter
 Pucket
 Reeve
 Roe
 Smith of W.
 Smydth of C.
 Thompson of A.
 Vance
 Walpole
 Watson
 Williams of L.
 Williams of R.
 Williams of W.
 Wilson
 Wines of G. & W.
 Wines of V.
 Wyman and
 Zenor—71

So said motion to commit was decided in the negative.

Mr. Berry moved,

To commit the bill to a select committee with instructions to amend "by suspending any further operations on the Cross Cut Canal from Terre Haute to the Central Canal, until the Wabash and Erie Canal and the Central Canal be in successful operation at the connecting points of said Cross Cut Canal.

When,

Mr. Smith of W. moved, the previous question.

Which was sustained.

And on the question shall the main question be now put,

It was decided in the affirmative.

Whereupon the bill was put upon its passage.

And the ayes and noes being requested thereon by Messrs. Cunningham and Howell

Those who voted in the affirmative, were

Messrs. Arnold
 Bennett
 Blair
 Boon

Helmer
 Henley
 Henricks
 Herriman

Noel
 Osborn
 Owen
 Paboby

Boyd	Hocker	Peaslee
Brown	Hood	Perine
Burns	Howell	Porter
Carr	Huff	Pucket
Chamberlain	Hurst	Reeve,
Champer	Huston	Roe,
Cotton of P.	Jackson	Smith of W.
Cotton of S.	Judah	Smydth of C.
Cox	Kenton	Thompson of A.
Davis	Leviston,	Vance,
Eldridge,	Macy	Walpole
Ferguson	Major	Watson
Ferris,	Matlock	Williams of L.
Garrigus	McClure	Williams of R.
Glenn,	Miller	Williams of W.
Graham	Milroy	Wilson
Gregory	Monroe	Wines of G. & W.
Haddon	Morrison	Wines of V.
Hamel	Murphey	Wyman and
Hanna	Nickel	Zenor—74.
Hawkins		

Those who voted in the negative were:

Messrs. Berry	Hubbard	Robbins
Bryce	Lane	Sims
Carleton	Lee	Stapp
Crume	Marshal	Tannehill
Cunningham	McCrillus	Thompson of F.
Dowling	Noble,	Vandever
Gaddis	Richey	Whitman and
Haymond	Restine	Mr. Speaker—24.

So said bill passed.

Ordered, That the Clerk inform the Senate, and ask their concurrence therein.

The Joint Resolution No. 65, relative to the connection between the White Water and Central Canals,

Was read the third time and

On motion of Mr. Perine,

Laid upon the table.

Mr. Graham from the joint committee on Enrolled Bills made the following report:

MR. SPEAKER:

The joint committee on Enrolled Bills report, that they did this day compare the enrolled with the engrossed bills of the House.

No. 11. "An act for the relief of Jonathan Parks."

No. 22. "An act to legalize the acts of Moses Gray as Recorder of Scott county, under the appointment of the Associate Judges of the said county."

No. 28. "An act on the subject of the appropriation of the three per cent. fund heretofore appropriated to Orange county."

Also, a bill of the Senate,

No. 64. "An act for the relief of the collector of the State Revenue of Perry county,"

And find the same truly enrolled.

Whereupon the Speaker signed the same.

Ordered, That the clerk carry them to the Senate for the signature of their President.

And then the House adjourned until to-morrow morning 9 o'clock.

WEDNESDAY MORNING, JANUARY 10, 1838.

The House met pursuant to adjournment.

The Speaker laid before the House a communication from the Board of Internal Improvement, in answer to a resolution of the House,

Which was referred to the committee on Canals and Internal Improvements, and 500 copies thereof ordered to be printed.

The following message was received from the Senate by Mr. Test their Secretary:

MR. SPEAKER:

I am instructed by the Senate to inform the House of Representatives, that the Senate have passed engrossed bills of the House, entitled

No. 33. An act appropriating part of the three per cent. fund in the county therein named.

No. 54. An to re-appropriate a portion of the three per cent. fund, appropriated in Dearborn county by an act, approved Feb. 4, 1837.

No. 53. An act declaring Big Racoon in the county of Parke, a public highway.

The two first without amendment, the latter with an amendment in which the concurrence of the House is requested.

Also, the Senate has passed engrossed bills thereof, entitled

No. 9. An act to incorporate the West Delphi Bridge Company.

No. 45. An act to establish a state roade therein named.

No. 49. An act to legalize the sale of the school section of Congressional Township, No. 3, North of range No. 8 East, in Scott county.

No. 51. An act to authorize the Treasurer of Dearborn county, to pay over certain road tax in his hands.

And No. 63. An act to legalize the sale of school lands in the county of Floyd.

In ali of which the concurrence of the House is respectfully requested.

On motion,

The House concurred in the amendment made by the Senate to the bill

No. 53 named in the message.

Bill No. 9. named in the message was read the first and second times and referred to the committee on Corporations.

Bill No. 45. named in the message, was read the first and secod time and referred to the committee on roads.

Bill No. 49, named in the message, was read the first time and passed to a second reading on to-morrow.

Bill No. 51, named in the message wase read the first time and passed to a second reading on to-morrow.

Bill No. 63 named in the message was read the first and second times and ordered to a third reading on to-morrow.

The following message was received from the Senate by Mr. Thompson of L., a member:

MR. SPEAKER:—

I am directed by the Senate to inform the House of Representatives, that the Senate have passed engrossed bills of the House entitled,

No. 25. An act to incorporate the town of New Washington in Clark county, Indiana.

No. 44. An act to incorporate the Lagro and Wabash Bridge Company.

Each without amendment.

They have also, passed engrossed bills of the Senate. entitled

No. 43. An act to alter and define the Boundary line of Grant county.

No. 73. An act to amend an act entitled "An act to establish, and re-locate certain state roads therein named and for other purposes, approved Feb. 3d, 1837."

In each of which latter bills the concurrence of the House is respectfully requested.

Bill No. 43, named in the message was read the first and second times and referred to a select committee of Messrs. Wyman, Vance and Wines of G. and W.

Bill No. 73, named in the message was read the first and second time and referred to a select committee of Messrs. Berry, Sims and Helmer.

Mr. Berry presented the petition of James Sutfin, asking certain relief,

Which was referred to a select committee of Messrs. Berry, Miller and Vandever.

Mr. Smydth of C. presented the petition of John N. McNamer and others, asking that certain territory be attached to the county of Clay;

Which was read and laid upon the table.

Mr. Hawkus presented the petition of sundry persons on the subject of the connection between the White Water and Central Canal;

Which was read and laid upon the table.

Mr. Williams of W. presented the petition of sundry citizens of the counties of Wayne and Fayette, for a change of line dividing said counties;

Which was referred to a select committee of Messrs. Williams of W. Hawkins, Hubbard, Smith of W., Crume and Thompson of F.

Mr. Herriman presented the petition of Ira B. White and others, for a State road from Augusta to Fort Wayne;

Which was referred to the committee on Roads.

Mr. Vandever from the committee on Military Affairs, made the following report:

MR. SPEAKER:

The committee on Military Affairs to which was referred sundry resolutions and petitions on that subject, have had the same under their consideration, and after duly considering the same, and having come to the conclusion that the military spirit which is necessary to prompt both officers and privates to uniform and equip themselves for the faithful performance of that duty in many parts of this State has subsided, your committee is however of opinion that a well organized militia is highly essential and necessary to secure and perpetuate the peace and safety of a free and independent government, and are aware that the existing militia laws are inefficient and ineffective, and to enact a law at the present crisis to assess heavy fines for delinquencies, and enforce a rigorous collection of the same, would be oppressive and unkindly received by many of the worthy and industrious inhabitants of Indiana; and believing as we do, that public opinion must of necessity govern in this matter, as well as all others, it would be useless at this time to undertake to enforce upon the community an efficient system of Military trainings, to increase the number of musters in the year, would of course increase the burthens and amount of fines, which in many parts of the State, is already complained of, therefore, your committee has directed me to report

A bill, No. 143, to organize and regulate the militia of the State of Indiana.

Which was read the first and second time,

Committed to a committee of the whole House,

And made the order of the day for Monday next.

And the House adjourned until 2 o'clock P. M.

2 o'clock, P. M

The House met;

The following report was made by Mr. Owen, from the committee on Canals and Internal Improvements:

MR. SPEAKER:

The committee on Canals and Internal Improvements to which was referred a bill No. 142, to provide for the improvement of the Wabash river, have had the same under consideration, and have instructed me to report the same back to the House without amendment.

Mr. Stapp moved that the bill be laid upon the table;

Which was decided in the negative.

When the bill was read the third time,

And on the question shall the bill pass,

The ayes and noes being requested thereon by Messrs. Hubbard and Cotton of S.

Those who voted in the affirmative were:

Messrs. Arnold	Herriman	Peaslee
Blair	Hocker	Perine
Bryce	Hood	Porter
Brown	Howell	Proffit
Durns	Huff	Pucket
Carleton	Hurst	Ristine
Carr	Huston	Robbins
Chamberlain	Jones	Roe
Champer	Judah	Chook
Cox	Kenton	Smith of W.
Davis	Lane	Smydth of C.
Dowling	Macy	Thompson of A.
Ferguson	Major	Vance
Ferris	Matlock	Watson
Garrigus	M'Crillus	Whitman
Glenn	Miller	Williams of L.
Graham	Milroy	Williams of W.
Gregory	Monroe	Wilson
Haddon	Murphey	Wines of G. & W.,
Hamel	Nickel	Wines of V.
Hanna	Noel	Zenor and
Hawkins	Owen	Mr. Speaker—67.
Helmer		

Those who voted in the negative, were

Messrs. Bennett	Haymond	Pabody
Berry	Hubbard	Reeve
Boon	Jackson	Sims
Cotton of P.	Lee	Stapp
Cotton of S.	Leviston	Tannehill
Crume	M'Clure	Thompson of F.
Cunningham	Morrison	Walpole and
Gaddis	Osborn	Williams of R—25.

So said bill passed.

Ordered, That Mr. Owen inform the Senate and ask their concurrence therein.

Mr. Graham from the joint committee on enrolled bills made the following report:

MR. SPEAKER:

The joint committee on enrolled bills report that they did this day present to His Excellency the Governor for his approval and signature the following bills of the House:

No. 11. An act for the relief of Jonathan Parks.

No. 22. An act to legalize the acts of Moses Gray, as recorder of Scott county, under the appointment of the Associate Judges of said county.

No. 28. An act on the subject of the appropriation of the three per cent. fund heretofore appropriated to Orange county.

No. 28. An act authorizing the sale of a certain school house and lot in the county of Washington.

No. 27. An act to authorize the Board of Commissioners of Kosciusko county to recover the amount of certain three per cent. fund. heretofore appropriated to that county.

No. 64. An act for the relief of the collector of the State revenue of Perry county.

Mr. Stapp from the committee on canals and internal improvement made the following report:

MR. SPEAKER:

The committee on canals and internal improvements to which was committed a bill to modify the plan of prosecuting the public works of Indiana, and amendatory of the act entitled "an act to provide for a general system of internal improvements, approved January 27th, 1836, has had the same under their consideration and have directed me to report the same to this House with several amendments and ask the concurrence of this House.

Mr. Henley moved,

That said report be laid upon the table,

Which was decided in the negative.

Mr. Glenn moved,

That it be committed to a committee of the whole House, and made the order of the day for Tuesday next.

When,

Mr. Haymond moved,

That the bill be indefinitely postponed,

And before any decision thereon,

The House adjourned until to-morrow morning 9 o'clock.

THURSDAY MORNING, Jan. 11th, 1838.

The House met pursuant to adjournment.

Mr. Judah from the committee on revision reported a bill No. 144, regulating distress for rent.

Also, a bill No. 145, regulating the action of replevin.

Also, a bill No. 146, to prevent unlawful gaming.

Which were severally read the first and second times and committed to the committee of the whole House, and made the order of the day for Thursday next.

The Speaker laid before the House the following communication:

Hon. THOS. J. EVANS,

Please lay before the House of Representatives the enclosed communication this morning and oblige yours,

Very respectfully,

NICHOLAS McCARTY.

INDIANAPOLIS, January 10, 1836.

INDIANAPOLIS, January 9th, 1838.

To the Hon. Speaker of the House of Representatives of the State of Indiana,

SIR: However reluctant I am to trouble the Legislature; a proper regard for my reputation, both as a citizen, and a late officer of the State, compels me to state to the General Assembly, that charges of the application of public funds to purposes of private speculation, by persons holding responsible public stations, were made last winter by a member of the Senate, who is now a member of the House of Representatives. At that time, I was not aware to whom those strong charges were intended to be applied. But having this winter very recently learned that they had reference to myself, and that the same member has in conversation with his fellow members during the present session applied the charges to me, to wit: "that I had while acting as a Canal Fund Commissioner brought a quantity of goods from New York to the treaty ground on the Wabash in the year of '1832, and that I had purchased the same with the public monies of the State."

I avail myself of the privilege of the humblest citizen, who has been honored with so important an office as a Canal Fund Commissioner, of hereby respectfully and earnestly soliciting a full and thorough investigation both of my conduct as regards the charge above made, and also in regard to every dollar, which in any way passed through my hands, as a Canal Fund Commissioner; I ask this because if such charge is true, it would meet with such reprobation from the General Assembly as it deserves. And if it is proved utterly unfounded the minds of honorable men be disabused.

Respectfully,

NICHOLAS McCARTY,

Late Canal Fund Commissioner.

Which was referred to the committee on Canal Fund.

Mr. Brown presented the petition of Joseph Mann and others, asking that Turman's Creek be declared a public highway.

Which was referred to a select committee of Messrs. Brown, Haddon and Smyth of C.

Mr. Sims presented the petition of sundry citizens of the counties of Owen and Morgan, for a state road therein named.

Mr. Richey presented the petition of sundry citizens of Delaware county for an alteration in the State road from Muncietown to Fort Wayne,

Which was referred to the committee on roads.

Mr. Haymond from the committee on education made the following report:

MR. SPEAKER:

The committee on elections, to which was referred the petition of James Osborn and others, citizens of the county of Union, praying the passage of a law, "compelling each and every citizen" of said county, to vote in their respective townships;—also, two other petitions of citizens of the same county, praying a law making it a penal offence, for any person, being a minor, or disqualified to vote, to offer a ticket at the polls of any election,—have had them severally under consideration, and have directed me to report that it is inexpedient to legislate upon these subjects, and ask to be discharged from the further consideration thereof,

In which the House concurred.

Mr. Noble introduced a joint resolution,

No. 147. Relative to the southern portion of the White Water Canal

Which was read the first and second time.

When on motion of Mr. Stapp,

It was laid upon the table.

Mr. Glenn from the committee of Ways and Means, made the following report:

MR. SPEAKER:

The committee of Ways and Means, to whom was referred a Resolution directing them to "enquire into the expediency of so amending that portion of an act entitled "An act to provide for distributing so much of the

surplus revenue of the United States as the State of Indiana may be entitled to and receive, by virtue of an act of Congress, approved June 23, 1836," as gives the power of appointing the agents of the surplus revenue for the several counties in this State to the Legislature, so as to provide that they be elected in their respective counties;"

Also, a resolution to "enquire into the expediency of so changing the 10th section of an act entitled "An act to provide for distributing so much of the surplus revenue of the United States as the State of Indiana may be entitled to and receive, by virtue of an act of Congress, approved 23d June, 1836," as not to give any preference to persons wishing to borrow said surplus revenue;"

Also, a resolution to "enquire into the expediency of levying a tax for an amount sufficient to pay all interest accruing on the State Bonds of the year 1839;"

Have had the subject matter of said resolution under consideration, and have directed me to report that in their opinion it is inexpedient to legislate thereon; and ask to be discharged from the further consideration thereof.

In which report the House concurred.

The House then resumed the consideration of the report made on yesterday from the committee on canals and Internal Improvement.

The motion to postpone indefinitely was withdrawn.

Mr. Smith of Wayne moved that the report be re-committed to a select committee.

Mr. Proffit moved that it be laid upon the table and three thousand copies thereof printed.

A division of the question was called for, on the question shall the report be laid upon the table.

The ayes and noes being requested thereon by Messrs. Jones and Howell.

Those who voted in the affirmative, were

Messrs. Berry	Hood	Ristino
Boyd	Hubbard	Robbins
Bryce	Huff	Sims
Carleton	Huston	Smydth of C.
Chamberlain	Jones	Stapp
Cox	Lane	Tannehill
Crume	Lee	Thompson of A.
Cunningham	Macy	Thompson of F.
Davis	Matlock	Vance
Dowling	Monroe	Vandever
Gaddis	Morrison	Watson

Graham
Hamel
Hanna
Hawkins
Haymond
Helmer
Herriman

Murphey
Noble
Osborn
Pabody
Proffit
Richey

Williams of L.
Williams of W.
Wines of G. & W.
Wines of V.
Wyman and
Mr. Speaker.—52.

Those who voted in the negative, were

Messrs, Arnold
Bennett
Blair
Boon
Brown
Burns
Carr
Cotton of P.
Cotton of S.
Ferguson
Ferris
Garrigus
Glenn
Gregory

Haddon
Henley
Hocker
Howell
Hurst
Jackson
Kenton
Leviston
Major
M'Clure
M'Crillus
Miller
Milroy
Nickel

Noel
Owen
Peaslee
Perine
Porter
Reeve
Roe
Shook
Smith of W.
Walpole
Whitman
Williams of R.
Wilson and
Zenor—42.

So said report was laid upon the table.

The question then recurring on printed 3,000 copies of the report (including the Bill) and various numbers being proposed, to wit: 5,000, 3,000, 2,000, 1,000, and 500, and a division of the question being called for,

The question was then put shall the report be printed.

And the ayes and noes being requested thereon by Messrs. Glenn and Howell,

Those who voted in the affirmative, were

Messrs. Bennett
Berry
Boon
Bord
Bryce
Brown
Carleton
Carr
Chamberlain
Cotton of P.
Cox
Crume
Cunningham
32

Herriman
Hocker
Hood
Howell
Hubbard
Huff
Hurst
Jones
Judah
Kenton
Lane
Lee
Proffit

Puckett
Reeve
Richey
Ristine
Robbins
Roe
Shook
Sims
Smith of W.
Smydth of C.
Stapp
Tannehill

Davis	Macy	Thompson of A.
Dowling	Marshall	Thompson of F.
Eldridge	Matlock	Vandever
Ferguson	McClure	Walpole
Gaddis	McCrillus	Watson
Glenn	Miller	Williams of L.
Graham	Monroe	Williams of R.
Gregory	Morrison	Williams of W.
Hamel	Murphey	Wilson
Hanna	Noble	Wines of V.
Hawkins,	Osborn	Wyman
Haymond	Owen	Zenor and
Helmer	Peaslee	Mr. Speaker—79.
Henley	Porter	

Those who voted in the negative were,

Messrs. Arnold	Haddon	Nickel
Blair	Huston	Noel
Burns	Jackson	Pabody
Cotton of S.	Leviston	Perine and
Ferris	Major	Wines of G. & W--
Garrigus	Milroy	17.

So said motion was decided in the affirmative.

Mr. Burns moved that the bill recently introduced by Mr. Gregory to modify the public works be also printed.

And the ayes and noes being requested thereon by Messrs. Burns and Noel,

Those who voted in the affirmative were:

Messrs. Arnold	Glenn	Miller
Bennett	Gregory	Milroy
Blair	Haddon	Nickel
Boon	Hanna	Noel
Boyd	Henley	Peaslee
Brown	Hurst	Perine
Carr	Huston	Porter
Cotton of P.	Jackson	Fuckett
Cotton of S.	Judah	Roe
Cox	Kenton	Shook
Eldridge	Leviston	Walpole
Ferguson	Major	Wilson and
Ferris	McCrillus	Zenor—41.
Garrigus		

Those who voted in the negative were:

Messrs. Berry	Jones	Robbins
Bryce	Lane	Sims
Carleton	Lee	Smith of W.
Chamberlain,	Macy	Smydth of C.
Crume	Marshall	Stapp
Davis	Matlock	Tannehill
Dowling	McClure	Thompson of A.
Gaddis	Monroe	Thompson of F.
Graham	Morrison	Vance
Hamel	Murphy	Vandever
Hawkins	Noble	Watson
Haymond	Osborn	Williams of L.
Helmer	Owen	Williams of R.
Herriman	Pabody	Williams of W.
Hocker	Proffit	Wines of G. & W.
Hood	Reeve	Wines of V.
Howell	Richey	Wyman and
Hubbard	Ristine	Mr. Speaker.
Huff		

So said motion was decided in the negative.

The question then recurring on printing 5000 copies of said report and bill,

Mr. Glenn moved to amend the motion so as to direct the printing of 150 copies on writing paper, and the remainder on common printing paper.

Which was decided in the negative.

Mr. Chamberlain asked a division of the question,

And on the question shall 5000 copies of the bill be printed separate from the amendments reported by the committee,

And the ayes and noes being requested thereon by Messrs. Wilson and Cotton of S.

Those who voted in the affirmative were:

Messrs. Glenn,	Henley	Wilson and
Hanna	Smith of W.	Zenor—6.

Those who voted in the negative were:

Messrs. Arnold	Herriman	Paboby
Bennett	Hocker	Peaslee
Berry	Hood	Perine
Blair	Howell	Porter
Boon	Hubbard	Proffit
Boyd	Huff	Pucket
Bryce	Hurst	Reeve,
Brown	Huston	Richey
Burns	Jackson	Ristine
Carleton	Jones	Robbins
Carr	Judah	Roe,
Chamberlain	Kenton	Shook
Cotton of P.	Lane	Sims
Cotton of S.	Lee	Smydth of C.
Cox	Leviston,	Stapp
Crume	Macy	Tannehill
Cunningham	Major	Thompson of A.
Davis	Marshal	Thompson of F.
Dowling	Matlock	Vance,
Eldridge,	McClure	Vandever
Ferguson	McCrillus	Walpole
Ferris,	Miller	Watson
Gaddis	Milroy	Whitman
Garrigus	Monroe	Williams of L.
Graham	Morrison	Williams of R.
Gregory	Murphey	Williams of W.
Haddon	Nickel	Wines of G. & W.
Hamel	Noel	Wines of V.
Hawkins	Noble,	Wyman and
Haymond	Osborn	Mr. Speaker—93.
Helmer	Owen	

So said motion was decided in the negative.

And on the question shall 3000 copies of the bill be printed.

And the ayes and noes being requested thereon by Messrs. Wilson and Cotton of S.

Those who voted in the affirmative, were

Messrs. Carr	Henley	Wilson and
Glenn	Roe	Zenor.—8.
Hanna	Smith of W.	

Those who voted in the negative, were

Messrs. Arnold	Herriman	Osborn
Bennett	Hocker	Owen
Berry	Hood	Peaslee
Blair	Howell	Perine
Boon	Hubbard	Porter
Boyd	Huff	Proffit
Bryce	Hurst	Puckett
Brown	Huston	Reeve
Burns	Jackson	Richey
Carleton	Jones	Ristine
Chamberlain	Judah	Robbins
Cotton of P.	Kenton	Sims
Cotton of S.	Lane	Smydth of C.
Cox	Lee	Stapp
Crume	Leviston	Tannehill
Cunningham	Macy	Thompson of A.
Davis	Major	Thompson of F.
Dowling	Marshall	Vance
Eldridge	Matlock	Vandeveer
Ferguson	McClure	Walpole
Ferris	McCrillus	Watson
Gaddis	Miller	Whitman
Garrigus	Milroy	Williams of L.
Graham	Monroe	Williams of R.
Gregory	Morrison	Williams of W.
Haddon	Murphey	Wines of G. & W.
Hamel	Nickel	Wines of V.
Hawkins	Noble	Wyman and
Haymond	Noel	Mr. Speaker—.39
Helmer		

So said proposition was decided in the negative.

And on the question shall 1000 copies of the bill be printed.

And the ayes and noes being requested thereon by Messrs. Hecley and Blair,

Those who voted in the affirmative, were

Messrs. Berry,	Helmer,	Peaslee,
Boon	Herriman,	Proffit,
Bryce,	Hood,	Puckett,
Brown,	Hubbard,	Reeve,
Burns,	Huff	Richey,
Carleton,	Jones	Ristine,
Carr,	Judah,	Robbins,
Chamberlain,	Kenton,	Sims,
Cox,	Lane,	Smith of W.,
Crume,	Lee,	Smydth of C.,
Cunningham,	Macy,	Stapp,
Davis,	Marshall,	Tannehill,
Dowling,	Matlock,	Thompson of A.,
Eldridge	McClure,	Thompson of F.,

Gaddis,
Glenn,
Graham,
Hamel,
Hanna,
Hawkins,
Haymond,

McCrillus,
Miller,
Morrison,
Murphey,
Noble
Osborn,
Owen,

Vance,
Watson,
Whitman,
Williams of R., "
Williams of W.,
Wines of V., and
Mr. Speaker—63.

Those who voted in the negative, were

Messrs. Arnold,
Bennett,
Blair,
Boyd,
Cotton of P.,
Cotton of S.,
Ferguson,
Ferris,
Garrigus,
Gregory,
Haddon,

Henley
Hocker,
Howell,
Hurst,
Huston
Jackson,
Leviston,
Major,
Milroy,
Nickel
Noel,

Pabody,
Perine,
Porter,
Roe
Vandever,
Walpole,
Williams of L.,
Wilson,
Wines of G. & W.,
Wyman and
Zenor—33.

So 1000 copies of said bill as originally introduced, were ordered to be printed.

Also, 1000 copies of the bill as amended by the committee on Canals and Internal Improvements.

And then the House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met,

The following message was received from the Senate by Mr. Test their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate has passed an engrossed bill thereof, entitled

No. 78, an act for the relief of Samuel Ward.

In which the concurrence of the House is respectfully requested.

The bill No. 78 named in the message, was read three times and passed.

Ordered, That the Senate be informed thereof.

The following message was received from the Senate by Mr. Moore, a member:

MR. SPEAKER:

I am instructed by the Senate to inform the House of Representatives, that the Senate has passed engrossed bills, and a joint resolution thereof, entitled

No. 26, an act to incorporate the Marion and Mississiniwa Bridge Company.

No. 58, an act to locate a State road in the county of Boon.

No. 76, an act to locate a State road therein named.

No. 74, a memorial and joint resolution relative to the public lands in the State of Indiana.

In all of which the concurrence of the House is requested.

The bill No. 26 named in the message,

Was read the first time,

And passed to a second reading on to-morrow.

Bill No. 58 named in the message,

Was read the first and second time,

And referred to a select committee of Messrs. Hocker, Robbins and Matlock.

Bill No. 76 named in the message,

Was read the first and second time,

And laid upon the table.

The joint resolution No. 74 named in the message,

Was read the first time,

And passed to a second reading on to-morrow.

Mr. Dowling from the committee on Canals and Internal Improvements, made the following report.

MR. SPEAKER:

The committee on Canals and Internal Improvements, to which was referred sundry petitions from citizens of Illinois, and a communication from the Board of Public Works of the same State, have had the same under consideration, and have directed me to report the following bill:

No. 118, in relation to connecting with the Alton Road in Illinois:

Which was read the first time,
 And passed to a second reading on to-morrow.
 Mr. Chamberlain introduced a bill

No. 149, to authorize a survey for the extension of the Erie and Michigan Canal.

Which was read the first and second times,
 And referred to the committee on Canals and Internal Improvements.

Mr. Proffit from the committee on Corporations, made the following report.

MR. SPEAKER:

The committee on Corporations, to which was referred a bill No. 39, to incorporate the town of Princeton, has instructed me to report the bill back to the House, with an amendment, to insert in the 16th section, after the word value, "not of the growth or manufacture of this State."

On motion,
 The amendment was concurred in,
 And the bill ordered to a third reading on to-morrow.
 Mr. Proffit made the following report:

MR. SPEAKER:

The committee on Corporations, to which was referred a bill of the House No. 105, to incorporate the Rockport Steam Mill Manufacturing Company. Also a bill No. 24, to incorporate the Morgan County Seminary, has instructed me to report said bills back to the House, without amendment.

When said bills were ordered to a third reading on to-morrow.

Mr. Bryce made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of James Medley, have had the same under consideration, and have directed me to report, that in the opinion of the committee, no legislation can be had on the subject; they therefore ask to be discharged from the further consideration thereof.

Whereupon the committee was discharged.

Mr. Blair made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of sundry citizens of Shelby, Bartholomew, Decatur and Rush counties, praying for the formation of a new county to be called St. Omer county, have had that subject under consideration and have unanimously instructed me to report it, inexpedient to legislate on the subject; and ask to be discharged from further consideration of the same.

Whereupon the committee was discharged.

Mr. Vandever from the select committee to whom was referred the petition of William A. Bowles and others, reported a bill No. 150, to amend an act entitled an act to appropriate a part of the three per cent. fund in the county of Orange.

Which was read the first time and passed to a second reading on to-morrow.

Mr. Haymond made the following report:

MR. SPEAKER:

The select committee to which was referred the petition of James A. Lawes and others, praying an act changing the name of Edinburgh in Franklin county to that of Dowersburgh, have had the same under consideration, and have directed me to report a bill No. 151, changing the name of the town of Edinburgh in Franklin county,

Which was read the first time, and passed to a second reading to-morrow.

Mr. Hubbard from the select committee to whom was referred a bill No. 35, of the Senate to provide for the location of a State road from Cambridge via Hagerstown to Fort Wayne, reported the same back with amendments,

Which were concurred in by the House,

And the bill was ordered to a third reading on to-morrow.

Mr. Vance from the select committee to which sundry petitions and remonstrances on that subject were referred, reported a bill No. 152, for the formation of the county of Windsor.

Mr. Wyman from the select committee on that subject reported a bill No. 153, for the relief of Campbell Dole,

Which were severally read the first time and passed to a second reading on to-morrow.

The following report was made by Mr. Zenor,

MR. SPEAKER:

The select committee to which was referred the petition of sundry citizens of Harrison county, praying a change in the name of the town of Carthage in Harrison county, and for the election of a justice of the peace in said town; have had these subjects under consideration, and report, that it is inexpedient to legislate on so much of said petition as prays the election of an additional justice of the peace, and have further directed me to report a bill No. 155, to change the name of the town of Carthage in Harrison county, to that of Palmyra.

On motion,

The House concurred in the report, and the bill was read the first time and passed to a second reading on to-morrow.

Mr. Davis from the select committee to which was referred the petition of Lewis Jones and others, reported a bill No. 154, authorizing Lewis Jones and others, to sell lot No. 67, in the town of Washington, in Davis county and for other purposes,

Which was read the first time and passed to a second reading on to-morrow.

The following report was made by Mr. Osborn:

MR. SPEAKER:

The select committee to whom was referred the petition of Abner McCarty and others, to legalize the sale of school section No. 16, in the ninth congressional township, range No. 2, west, in Franklin county, have had the same under consideration, and have directed me to report a bill No. 156, to legalize the sale of school section No. 16, township No. 9, range No. 2, west, in the county of Franklin,

Which was read the first and second time and ordered to third reading on to-morrow.

Mr. Berry from the select committee to whom was referred the bill of the Senate No. 13, for a change of venue in certain cases therein named, reported the same back without amendment,

When said bill was read the third time and passed.

Ordered, That the Senate be informed thereof.

The following report was made by Mr. Miller:

MR. SPEAKER:

The select committee to which was referred the petition of Joseph Compton and others, relative to the county boundary of Gibson & War-
rick, also, the remonstrance of David Hall and others upon the same
subject have had the same under consideration, and have directed me to re-
port the same back to the House, and recommend their reference to the
judiciary committee.

On motion the House concurred in said report and the petitions were
referred to the committee on the judiciary.

Mr. Pabody from the select committee to which was referred the pe-
tition of sundry citizens of the town of Vernon, reported a bill No. 157,
relating to the town of Vernon which was read the first time and passed
to a second reading on to-morrow.

Mr. Arnold made the following report:

MR. SPEAKER:—

The select committee to whom was referred the petition of John D.
Moore and others, praying for a charter to construct a turnpike road
from Harrison, in Dearborn county, to Napoleon, in Ripley county,
have had the same under consideration, and directed me to report,

A bill (No. 158) to incorporate the Harrison and Napoleon Turnpike
Company,

Which was read the first time and passed to a second reading on to-
morrow.

Mr. Matlock from the select committee on that subject reported a bill
No. 159, to authorize the election of an additional justice of the peace
in Hendricks county,

Which was read the first time and passed to a second reading on to-
morrow.

Mr. Walpole from the select committee to which was referred the
petition of Thomas L. Fuqua and others, reported a bill No. 160, to lo-
cate a state road from the West line of Hancock county, to New Castle
in Henry county.

Mr. Carr from the select committee to whom was referred the petition
of John Waddle and others, reported a bill

No. 161. Declaring a certain county road in Jackson county a state
road,

Which were read the first time and passed to a second reading on to-morrow.

Mr. Morrison from the select committee on that subject, reported a memorial and Joint Resolution No. 162, relative to the National Road in Indiana,

Which was read three times and passed.

Ordered, That the clerk inform the Senate and ask their concurrence therein.

Mr. Cotton of S. moved the adoption of the following resolution:

Resolved, That the Board of Internal Improvement be requested to enquire into the expediency of postponing all further operations on the Cross-cut Canal from Terre-Haute to the Central Canal for the next two years,

Which on motion of Mr. Smyth of C., was indefinitely postponed.

On motion of Mr. Milroy,

Resolved, That the committee on the Canal Fund, be authorized and empowered to send for persons and papers if they deem it expedient so to do, to enable them fully to investigate the official conduct of the Canal Fund Commissioners as well those in office, as those whose term of service have expired—first as relates to the improper use of the public money—second, what account has been rendered of the exchange that may have come into their hands, obtained between eastern and western funds—third, what amount they may have retained in their hands as pay, and whether they or any of them have refunded to the State the excess over two dollars per day, they may have received as compensation since the passage of the explanatory act of the last session, limiting the pay of the Fund Commissioners to two dollars per day—and lastly to enquire what members of the Board, made sale of the State Bonds to the Cohens of Baltimore, by which the State is likely to loose a large sum and make report of the result of their investigations to this House.

The following resolution was offered by Mr. Cotton of S.,

Resolved, That the Board of Internal Improvement be instructed to lay before this House, a statement of the entire length of each and every work, contemplated in the act providing for a general system of Internal Improvement,

Which was not adopted.

On motion of Mr. Shook,

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of reporting a bill, making it the duty of the sinking fund commissioners, hereafter to loan out the sinking fund to persons in theseveral counties in this State in proportion to the taxable polls in

each county: *Provided*, application be made against a certain time for said funds,

With leave to report by bill or otherwise.

On motion of Mr. Hood,

Resolved, That the committee on Canals and Internal Improvement be instructed to enquire whether any further legislation is necessary to enable the Board of Internal Improvement to select, value and sell such Canal lands as the State is or may hereafter be entitled to under the laws of Congress granting a portion of the public lands to aid the State to construct the Wabash and Erie Canal,

With leave to report by bill or otherwise.

On motion of Mr. Vandever,

Resolved, That the committee on claims be instructed to enquire into the expediency of making such allowance to Andrew Wilson, commissioner of the Saline lands in Orange county, as to them may seem just and proper for moneys by him paid and expenses which have occurred in consequence of the faithful discharge of his duty as is unprovided for in the act defining the duties of said commissioner; with leave to report by bill or otherwise.

On motion of Mr. Thompson of A.,

Resolved, That the Auditor of Public Accounts, be requested to furnish this House, with a tabular statement, showing the number of acres of taxable land in each county in this State, the average value of the same, also, the amount paid by each county for internal improvement purposes.

On motion of Mr. Howell,

Resolved, That the Board of internal improvement be requested to report to this House, whether contracts leasing water power, the property of the State, to individuals to whom said lease has been granted, and that the clerk be requested to furnish a copy of this resolution to said Board.

On motion of Mr. Watson,

Resolved, That the committee on the State Bank be instructed to enquire into the expediency of amending the charter of said State Bank so as to permit it to increase its capital stock to such an amount as will more amply meet the wants of the people, in supplying them with a circulating medium, and that the interest and profits of said increase of capital to be applied towards disbursing the interest on the money borrowed for the purpose of constructing her public works; with leave to report by bill or otherwise.

Mr. Burns offered the following resolution,

Resolved, That the committee of revision be instructed to engrave a section in the present school law providing that County Treasurers may hold the office of school commissioner,

Which was not adopted.

On motion of Mr. Whitman,

Resolved, That it be earnestly recommended to the members of future legislatures of this State, to bring with them to the capital annually, specimens of such minerals and fossils as the counties they represent may afford; labelling the same with the places where found, and the names of the Representatives bringing them and such other remarks as shall be deemed necessary; and place them in the hands of the State Geologist to be deposited in the mineral cabinet of the State.

Mr. Glenn offered the following resolution,

Which was not adopted.

Resolved, That the committee on canals and internal improvement be requested to report to this House without delay, the situation of the Lawrenceburgh and Indianapolis rail road company: embracing in said report, how the money said company has obtained on the credit of the State has been expended; if any part of said money has been loaned to individuals, why it was so loaned, instead of prosecuting the work; also if the loaners have given sufficient security to secure the State and the Company, from loss; and also, to enquire what has caused said company to report to this legislature their willingness to surrender their charter, *Provided*, The said committee can arrive at the information called for by this resolution.

Mr. Graham from the joint committee on enrolled bills made the following report:

MR. SPEAKER:

The joint committee on enrolled bills report, that they did this day compare the enrolled with the engrossed bill of the House No. 23, an act appropriating part of the three per cent. fund in the county therein named.

No. 54, an act to reappropriate a portion of the three per cent. fund appropriated in Dearborn county, by an act approved February 4th, 1837,

And find the same truly enrolled.

Whereupon the Speaker signed the same.

Ordered, That the clerk carry them to the Senate for the signature of their President.

And then the House adjourned until to-morrow morning 9 o'clock.

FRIDAY MORNING, JANUARY 12, 1838.

The House met pursuant to adjournment.

Mr. Speaker laid before the House the first annual report of the Vernon Savings institution.

Which was referred to the committee on corporations.

Mr. Judah from the committee on revision reported a bill No. 163, prescribing the mode of changing the venue.

Also, a bill No. 164, for the prevention of frauds and perjuries.

Also, a bill No. 165, regulating the action of disseisin.

Also, a bill No. 166, concerning clerks.

Also, a bill No. 167, concerning enclosures and trespassing animals.

Also, a bill No. 168, to regulate medical societies.

Which were severally read the first and second time,

And committed to a committee of the whole House,

And made the order of the day for Thursday next.

Ordered, That 200 copies of the bills No. 163 and 164 be printed.

Mr. Brown introduced a joint resolution No. 169, relative to refuse lands on the Wabash river:

Which was read the first time,

And passed to a second reading on to-morrow.

Mr. Stapp introduced a bill No. 170, to incorporate certain turnpike companies therein named;

Which was read the first and second time,
And referred to the committee on Corporations.

On motion of Mr. Ferguson,

Resolved, That the Secretary of State lay before this House a copy of the semi-annual report of the superintendant of the State Prison.

Mr. Smydth of C. presented the petition of sundry citizens of the county of Clay on the subject of the jurisdiction of justices of the peace;

Which was laid upon the table.

Mr. Major presented the memorial of the proprietors of the town of Grandview, asking the passage of a law to vacate said town:

Which was referred to a select committee of Messrs. Major, Bryce and Huff.

Mr. Walpole presented the petition of sundry citizens of the counties of Rush, Hancock, Madison and Henry, for the location of a State road therein named;

Which was referred to the same select committee to whom other petitions on that subject were referred.

Mr. Smydth of C. presented the petition of James Townsend, Jr. and others, on the subject of the Clay county Seminary.

Which was referred to the committee on Corporations.

Mr. Graham presented the remonstrance of Mr. Gentry and others, relative to the disputed territory of Warrick county;

Which was referred to the committee on the Judiciary.

Mr. Smydth of C. presented the petition of sundry citizens of the county of Clay, on the subject of the mode of doing county business;

Which was referred to the committee of Revision.

Mr. Glenn from the committee of Ways and Means, made the following report:

MR. SPEAKER:

The committee of Ways and Means, to which was referred so much of the Governor's message as relates to the collection of the revenue, have had the same under consideration, and have directed me to report

A bill No. 171, to provide for the election of county treasurers;

Which was read the first and second time,

And referred to the committee on Revision, with instructions to incorporate the provisions of the bill in the revision.

Mr. Proffit from the committee on Corporations, to which was referred petitions on that subject, reported

A bill No. 172, to incorporate the Wabash Hotel Company;

Which was read the first time,

And passed to a second reading on to-morrow.

On motion of Mr. Perine,

The report made on Wednesday, 3d inst. by Mr. Proffit, from the committee of investigation into the affairs of the State Bank, was taken from the table.

When Mr. Perine offered the following preamble and resolutions:

Whereas, the charter of the State Bank of Indiana was granted for the express purpose of affording accommodations to the whole people of the State, and not to benefit a *privileged few*.

And whereas, the people of the State, through their Representatives in General Assembly met, have a right at all times, and under all circumstances, to demand information from said bank respecting its transactions and its condition—and also to examine into all its affairs.

And whereas, said Bank is amenable to the people, and to that power which gave it existence, for its conduct. Therefore

Resolved, That the resolutions recently addressed by the officers of the Branch Bank at Indianapolis, to the investigating committee appointed by this House, is in derogation of the dignity of the House, a direct insult to the people, and ought to meet with our utmost disapprobation.

And before any decision thereon,

The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met.

And the Speaker being absent in consequence of ill health,

On motion of Mr. Garrigus,

Mr. Stapp was appointed Speaker *pro tem*.

The following message was received from the Governor, by Mr. McGuire, his Private Secretary.

MR. SPEAKER:

I am requested by the Governor to inform the House of Representa-

tives, that he has approved and signed acts which originated in the House of Representatives, entitled as follows:

No. 29. An act authorizing the sale of a certain school house and lot in the county of Washington.

No. 27. An act to authorize the Board of Commissioners of Kosciusko county to recover the amount of certain three per cent. fund heretofore appropriated to that county.

No. 11. An act for the relief of Jonathan Parke,

No. 22. An act to legalize the acts of Moses Grey as Recorder of Scott county, under the appointment of associate judges of the said county.

No. 28. An act on the subject of the appropriation of the three per cent. heretofore appropriated to Orange county.

Also, an act which originated in the Senate, entitled

No. 64. An act for the relief of the collector of the State revenue of Perry county.

The House then resumed the consideration of the resolution offered by Mr. Perine, and undisposed of at the time of adjournment.

After discussion thereon

And before any decision was had

The House adjourned until to-morrow morning 9 o'clock.

SATURDAY MORNING, Jan. 13th, 1838.

The House met pursuant to adjournment.

Mr. Vandever presented the petition of Jacob Elrod and others, asking that Orleans in Orange county be made a point on the Jeffersonville and Crawfordsville road.

Also, the petition of David Mounts and others, on the same subject.

Which were referred to a select committee of Messrs Vandever, Berry, Lane, Ristine, Bryce, Williams of L., Whitman, Cunningham, Huston, Gaddis, Champer, Monroe, Ferguson, Hurst, Henley and Helmer.

Mr. Glenn presented the petition of Benjamin Carlisle and others, for a change in the Lawrenceburgh and Versailles State road;

Which was referred to the committee on Roads.

Mr. Howell presented the petition of C. C. Beckwith and others, asking that certain privileges be allowed to John Meeks of Spencer county;

Which was referred to the committee of Ways and Means.

Mr. Walpole presented the remonstrance of George Lockerbie against a change in the act of incorporation of the town of Indianapolis;

Which was laid upon the table.

Mr. Hood from the committee of Canals and Internal Improvements, made the following report:

MR. SPEAKER:

The committee on Canals and Internal Improvements, to whom was referred a bill of the House No. 141, to provide for the further improvement of the Michigan road have had the same under consideration, and directed me to report the same with one amendment,

In which the concurrence of the House is requested.

On motion of Mr. Ferris,

The report was recommitted to a select committee of Messrs. Ferris, Nickel, Blair, Pabody, Morrison, Hanna, Hocker, Eldridge, Henricks, McClure, Perine, Milroy, Major, Hood, Shook and Peaslee.

The Speaker laid before the House a communication from the Secretary of State, transmitting the semi-annual report of the Superintendent of the State Prison;

Which was referred to the committee on the State Prison.

Mr. Judah from the committee on Revision, reported

A bill No. 174, regulating the practice in suits at law.

Also,

A bill No. 175, directing the mode of suing out and prosecuting writs of habeas corpus.

Both of which were read the first and second time,

And committed to a committee of the whole House,

And made the order of the day for Monday, 22d inst.

Mr. Crume made the following report from the joint committee on the Canal Fund:

MR. SPEAKER:—

The joint committee on the Canal Fund have directed me to report that they have unanimously elected C. C. Graham chairman of that committee.

The House then resumed the consideration of the resolution offered on yesterday by Mr. Perine and undisposed of.

When,

Mr. Perine withdrew that resolution and offered the following:

Resolved, That the House of Representatives approve of the answers of the committee of investigation in reply to the resolution of the Branch Bank at Indianapolis.

Resolved, That the legislature or either Branch thereof, have an inviolable right to examine into the condition of the State Bank of Indiana, and its Branches at such times and in such manner, as may be deemed expedient.

Resolved, That the language of the directors of the Branch Bank at Indianapolis, is wanting in respect to the House of Representatives.

Mr. Hawkins moved,

That the second and third resolutions be stricken out,

When a division was called for,

And on the question shall the second resolution be stricken out,

The ayes and noes being requested thereon by Messrs. Perine and Judah.

Those who voted in the affirmative, were

Messrs. Bennett	Hubbard	Sims
Blair	Huff	Smith of W.
Cox	Kenton	Stapp
Hamel	McClure	Thompson of A.
Hawkins	Noble	Watson
Haymond	Pabody	Williams of R.
Henricks	Rceve	Williams of W. &
Hocker	Restine	Mr. Speaker—25.
Hood		

Those who voted in the negative, were

Messrs. Arnold	Haddon	Noel
Perry	Hanna	Osborn
Boon	Helmer	Owen

Boyd	Gregory	Nickel
Bryce	Henley	Peaslee
Brown	Herriman	Perine
Burns	Howell	Porter
Carleton	Huston	Pucket
Carr	Jackson	Richey
Chamberlain	Jones	Robbins
Champer	Judah	Roe
Cotton of P.	Lane	Shook
Cotton of S.	Lee	Smydth of C.
Crume	Leviston	Tannehill
Cunningham	Macy	Thompson of F.
Davis	Marshall	Vandever
Dowling	Matloek	Whitman
Ferguson	McCrillus	Walpole
Ferris	Miller	Williams of L.
Gaddis	Milroy	Wilson
Garrigus	Monroe,	Wines of G. & W
Glenn	Morrison	Wyman and
Graham	Murphey	Zenor—68.

So said motion was decided in the negative.

And on striking out the third resolution,

The ayes and noes being requested by Messrs. Perine and Osborn.

Those who voted in the affirmative were:

Messrs. Bennett	Hubbard	Robbins
Blair	Huff	Shook
Champer	Huston	Sims
Cotton of S.	Kenton	Smith of W.
Cox	Marshall	Stapp
Ferguson	Matloek	Thompson of A.
Hamel	M'Clure	Watson
Hawkins	Noble	Williams of W.
Helmer	Noel	Wilson
Henricks,	Pabody	Wines of V.
Hood	Pucket	Zenor and
Howell	Ristino	Mr. Speaker—36.

Those who voted in the negative, were

Messrs. Arnold	Hanna	Nickel
Berry	Haymond	Osborn
Boon	Henley	Owen
Boyd	Herriman	Peaslee
Bryce	Howell	Perine
Brown	Hurst	Porter
Burns	Jackson	Proffit
Carr	Jones	Reeve
Chamberlain	Judah	Richey
Cotton of P.	Lane	Roe

Crume
Cunningham
Davis
Dowling
Ferris
Garrigus
Glenn
Graham
Gregory
Haddon

Lee
Leviston
Macy
Major
M'Crillus
Miller
Milroy
Monroe
Morrison
Murphy

Smydth of C.
Tannehill
Thompson of F.
Vandever
Walpole
Whitman
Williams of L.
Williams of R.
Wines of G. & W.,
and Wyman—60.

So said resolution was not stricken out.

Mr Jones moved,

That the vote on striking out the second resolution be reconsidered,
Which motion was decided in the negative.

Mr. M'Clure moved,

That the resolutions be laid upon the table,

And the ayes and noes being requested thereon by Messrs. Perine and Proffitt.

Those who voted in the affirmative were:

Messrs. Bennett
Berry
Cox
Hamel
Hawkins
Haymond
Helmer
Henley
Henricks
Hocker
Hood
Hubbard

Huff
Jones
Kenton
Marshall
Matlock
McClure
Noble,
Paboby
Pucket
Reeve,
Ristine

Robbins
Sims
Smith of W.
Stapp
Thompson of A.
Vance,
Watson
Williams of R.
Williams of W.
Wines of V. and
Mr. Speaker—34.

Those who voted in the negative were:

Messrs. Arnold
Blair
Boon
Boyd
Bryce
Brown
Burns

Graham
Gregory
Haddon
Hanna
Herriman
Howell
Hurst

Noel
Osborn
Owen
Peaslee
Perine
Porter
Proffit

Carleton
Carr
Chamberlain
Champer
Cotton of P.
Cotton of S.
Crume
Cunningham
Davis
Dowling
Ferguson
Ferris,
Gaddis
Garrigus
Glenn,

Huston
Jackson
Judah
Lane
Lee
Leviston,
Macy
McCrillus
Miller
Milroy
Monroe
Morrison
Murphey
Nickel

Richey
Roe,
Shook
Smydth of C.
Tannehill
Thompson of F.
Vandever
Walpole
Whitman
Williams of L.
Wilson
Wines of G. & W.
Wyman and
Zenor—64.

So said resolutionss were not laid upon the table.

When,

Mr. Pabody moved,

To amend said resolutions by adding thereto, "that the door-keeper be directed to bring the books, papers, monies and effects, of the Indianapolis Branch of the State Bank into the Hall of the House of Representatives, *instanter*, to be examined and inspected by said House.

And before any further action was had thereon, the House adjourned.

2 o'clock, P. M

The House met;

And resumed the consideration of the subject under discussion at the adjournment.

On the adoption of the amendment offered by Mr. Pabody,

And the ayes and noes being requested thereon by Messrs. Crume and Howell, it was decided in the negative by the following vote:

In the affirmative,

Mr. Pabody—1.

Those who voted in the negative, were

Messrs. Arnold	Hawkins	Owen
Bennett	Haymond	Peaslee
Berry	Helmer	Perine
Blair	Henricks	Porter
Boon	Herriman	Proffit
Boyd	Hocker	Puckett
Bryce	Hood	Reeve
Brown	Howell	Richey
Burns	Hubbard	Ristine
Carleton	Hurst	Robbins
Carr	Huston	Roe
Chamberlain	Jackson	Shook
Cotton of P.	Judah	Sims
Cotton of S.	Kenton	Smith of W.
Cox	Lane	Smyth of C.
Crume	Leviston	Stapp
Cunningham	Macy	Tannehill
Davis	Major	Thompson of A.
Dowling	Marshall	Thompson of F.
Eldridge	McClure	Vandever
Ferris	McCrillus	Walpole
Gaddis	Miller	Watson
Garrigus	Milroy	Whitman
Glenn	Monroe	Williams of L.
Graham	Morrison	Williams of W.
Gregory	Murphey	Wilson
Haddon	Nickel	Wines of V.
Hamel	Noel	Zenor and
Hanna	Osborn	Mr. Speaker—88.

Mr. Owen moved to amend said resolutions by striking them out from the resolving clause and inserting the following:

“That whereas, the select committee appointed to investigate the affairs of the State Bank did, on the 26th of December last, address to the Branch Bank at Indianapolis, a communication enquiring how it would be most consistent with their sense of duty and convenience to have their books examined.

And whereas the Board of Directors of said branch, in reply, forwarded to said committee certain resolutions, in which, after granting permission to said committee to examine their books, they declared, that the only legal mode of examining the Bank, is by an agent; and that the mode of examining said Bank by a committee, was contrary to “good policy and the interests of the State.”

And whereas, said communications have been officially presented to this House, therefore be it resolved by this House, that the Bank, in volunteering an opinion as to matters of policy and the interests of the State and communicating the same to the committee of this House,

encroaches on matters beyond its cognizance, and with which it has no concern.

That this legislature has the right to enquire of the said Bank information on all matters whatever connected with its affairs.

That this House approves and sustains the course pursued by its committee; and hereby instructs them to proceed, without unnecessary delay, to follow out and complete their investigation.

Which was accepted by Mr. Perine as a modification of his resolutions and was adopted.

And then the House adjourned until Monday morning 9 o'clock.

MONDAY MORNING, JAN. 15, 1838.

The House met pursuant to adjournment.

The Speaker laid before the House the following communication from the Board of Internal Improvement, on the subject of contracts for water power on the public works,

Which was read and laid upon the table.

[OFFICE OF THE STATE BOARD OF INTERNAL IMPROVEMENT, }
13th January, 1838. }

To the House of Representatives:

The State Board of Internal Improvement, in compliance with a resolution of the House of the 12th inst., calling for information on the subject of contracts, for the use of water power, on the public works, respectfully submit to the House the following report from a special committee of the Board, and concurred in by the same.

Very respectfully,
THOS. H. BLAKE,
President pro tem.

OFFICE STATE BOARD OF INTERNAL IMPROVEMENT, }
13th January, 1838. }

The select committee to whom was referred the resolution of the House of Representatives requesting the Board of Internal Improvements,

"to report to the House whether contracts leasing water power, the property of the State, to individuals have been made, and if so, describing the characters and number of said contracts or leases, with the names of the individuals to whom such leases have been granted," beg leave to report, that by reference to the papers on file in the office of the Board, they find, that in pursuance of public notice given in the newspapers and by hand bills, sealed proposals were received by the acting commissioner on the 10th and 14th of June, 1836, upon which leases of water were subsequently made, and contracts entered into for the same, as follows:

To Hood and Wilson, at Wabash Dam No. 3, near Peru, a quantity of water sufficient to propel one run of 4½ feet millstones, at an annual rent of \$150. Also for two saws, at an annual rent of \$200 for each saw. The rent in each case to commence on the 1st of May, 1838.

To Stewart and Vermilya, at Wabash Dam No. 1, near Huntington, a quantity of water sufficient for two saws, at a rent of \$125, for each saw, for 9 months,—the period in each year during which it is supposed there will be surplus water,—the rent to be increased or diminished in proportion to the length of time in each year during which the stream may furnish more or less water at this point, than is required for navigation. The rent to commence on the 1st of May, 1838.

To Rockhill and Edsall, at the St. Mary's aqueduct, near Fort Wayne, a quantity of water sufficient to propel two saws, at a rent of \$147 per each saw for nine months, this being the length of time during which it is believed water may be spared at this point, the rent to be increased or diminished, as the length of time may be longer or shorter in each year, during which there may be surplus water at this point. The rent to commence 1st November, 1837.

To Tower and Moore at Lafayette street in Fort Wayne, a quantity of water sufficient to drive two run of four and a half mill stones, at a rent of \$135 for each run of stones, for 9 months, the rent to be increased or diminished as in the case just described. The rent to commence the 1st November, 1837.

The leading principles which have been regarded in arranging the detail of these contracts are the following:

1st. To guard effectually against any interference with the navigation of the canal, by disposing of such portion of the water only, as cannot be needed for the passage of boats; and reserving the right to resume the use of the water, should it at any future time be necessary for navigation.

2nd. The agents of the State, to prescribe the plan and manner of building the structures necessary to admit the water to the wheel, the plan of the machinery, &c.

3rd. The necessary structures, weirs, races, &c. to be built at the expense of the lessee.

4th. The delays occasioned by high water to be at the risk of the lessee.

5th. The lease to continue for the term of fifty years.

6th. The lessee to be entitled to a renewal of the lease for such rent

as shall at the time be offered by the highest responsible bidder, who shall agree to purchase of said lessee all permanent buildings necessary for the use of the water, at such valuation as may be fixed upon them by three judicious and disinterested freeholders; or if no such bid shall then be made higher than the terms of the present lease, then the lessee to be entitled to such renewal, on the terms of the first lease.

It is proper to remark, that the quantity of water power leased at the several points named up to this time, forms but a small portion of the "whole amount of surplus water at these points applicable to machinery."

Which report was concurred in by the Board; and

Ordered, That a copy of the same be transmitted to the House of Representatives.

A copy.

JAMES MORRISON,
Secretary.

Mr. Wines of G. and W. presented the petition of sundry citizens living near the Salamonía river, for a State road;

Which was referred to the committee on Roads.

Mr. Wines also presented the petition of sundry citizens of Wabash county, asking that certain territory be attached to said county:

Which was referred to the same select committee to which other petitions on that subject were referred.

Mr. Hurst presented the petition of sundry citizens of the town of Jeffersonville, asking the repeal of the law licensing retailers of spirituous liquors;

Which was referred to the committee of Ways and Means.

Mr. Ferguson presented the petition of sundry citizens of Clark county for a State road from Charlestown to Salem,

Which was referred to the same select committee to which other petitions on that subject were referred.

Mr. Monroe presented the petition of sundry persons on the same subject,

Which was referred to the same committee.

Mr. Pucket presented the petition of sundry citizens of Randolph county, asking that Rockingham, be made a point on the Lawrenceburg and Huntington State Road,

Which was referred to the committee on roads.

Mr. Hurst presented the petition of sundry citizens of this State, on the subject of the subscription of stock on the part of the State in the Jeffersonville and New Albany Canal,

Which was read and referred to the committee on canals and internal improvements.

Mr. Macy presented the petition of sundry citizens of the county of Henry, for the incorporation of the town of Greensboro, in said county

Which was referred to a select committee of Messrs. Macy, Murphey and Hubbard.

Mr. Blair presented the remonstrance of Samuel Donnell and other against the petition of Joseph Graham and others, on the subject of the Presbyterian Church at Sand Creek.

Which was referred to the committee on the judiciary.

Mr. Kenton presented the petition of Joshua Lindsey and others, on the subject of the water power at Pittsburgh.

Which was referred to the same select committee to which other petitions on the same subject were referred.

Mr. Hanna presented the petition of David Small and others, asking the formation of a separate and distinct school district,

Which was referred to the committee on education.

Mr. Herriman presented the petition of James Hamilton and others, for a State road therein named,

Which was referred to the committee on roads.

Mr. Pucket presented the petition of sundry citizens of Randolph county on the subject of the right of trial by jury,

Which was referred to the committee on the judiciary.

Mr. Pabody presented the remonstrance of Samuel Glasgow and others, against a change of a state road,

Which was referred to the committee on roads.

Mr. Berry presented the remonstrance of James Gillum and others, of Monroe county, against the location of a state road therein named.

Which was laid on the table.

Mr. Hurst presented the petition of sundry citizens of Clark county, on the subject of Pilots at the Falls of Ohio,

Which was referred to the same select committee appointed on that part of the Governor's Message on that subject.

On motion of Mr. Owen,

The report of the committee on canals and internal improvements on the subject of changing the character of the Madison and Lafayette rail road to a McAdamized road,

Was taken from the table,

When,

Mr. Stapp withdrew his proposition to amend the motion of Mr. Walpole,

Mr. Owen moved,

To amend the motion to commit, with the instructions proposed, as follows: "recommit the petition to a select committee of five members with instructions to report a bill instructing the State Board of Internal Improvement to change the character of the Madison and Lafayette Road from that of a Rail Road, to that of a McAdamized Turnpike Road," and to make such arrangements in regard to the disposal of materials, modifying of contracts &c., as such a change may render necessary or advantageous; and that one of the Representatives from Jefferson county be one of the members of that select committee,"

And before any decision was had thereon,

The House adjourned.

2 o'clock, P. M.

The House met,

And resumed the consideration of the question pending at the adjournment.

Mr. Walpole accepted the proposition of Mr. Owen, as a modification of his motion,

A division of the question being called for, on the question shall the report be recommitted to a select committee,

And the ayes and noes being requested thereon by Messrs. Crume and Dowling

Those who voted in the affirmative were:

Messrs. Arnold	Glenn	Nickel
Bennett	Graham	Noel
Blair	Gregory	Owen
Boon	Haddon	Peaslee
Boyd	Henley	Perine
Bryce	Hocker	Porter
Brown	Howell	Reeve
Burns	Hurst	Roe
Carr	Huston	Shook

Champer
Cotton of P.
Cotton of S.
Cox
Cunningham
Davis
Ferguson
Ferris
Gaddis
Garrigus

Jackson
Judah
Leviston
Macy
Major
McCrillus
Miller
Milroy
Monroe

Smith of W.
Vanderveer
Walpole
Watson
Whitman
Williams of L.
Williams of R.
Wilson and
Zenor—56.

Those who voted in the negative were :

Messrs. Carleton
Chamberlain,
Crume
Dowling
Eldridge
Hamel
Hanna
Hawkins
Haymond
Helmer
Henricks
Herriman
Hood
Hubbard
Jones

Kenton
Lane
Lee
Marshall
Matlock
McClure
Morrison
Murphey
Noble
Osborn
Pabody
Proffit
Puckett
Richey

Ristine
Robbins
Sims
Smydth of C.
Stapp
Tannehill
Thompson of A.
Thompson of F.
Vance
Williams of W.
Wines of G. & W.
Wines of V.
Wyman and
Mr. Speaker—43.

So said motion was decided in the affirmative.

And on the question shall the instructions be adopted.

And the ayes and noes being requested thereon by Messrs. Crume and Wines of V.

Those who voted in the affirmative, were

Messrs. Arnold
Bennett
Blair
Boon
Boyd
Brown
Burns

Glenn
Gregory
Haddon
Henley
Howell
Hurst
Huston

Nickel
Noel
Owen
Peaslee
Perine
Porter
Reeve

Carr	Jackson	Roe
Champer	Judah	Shook
Cotton of P.	Leviston	Smith of W.
Cotton of S.	Major	Walpole
Cunningham	McCrillus	Whitman
Ferguson	Miller	Williams of R.
Ferris	Milroy	Wilson and
Gaddis	Monroe	Zenor—47.
Garrigus		

Those who voted in the negative were,

Messrs. Berry	Hood	Ristine
Bryce	Hubbard	Robbins
Carleton	Jones	Sims
Chamberlain	Kenton	Smydth of C.
Cox	Lane	Stapp
Crume	Lee	Tannehill
Davis	Macy	Thompson of A
Dowling	Marshall	Thompson of F.
Eldridge	Matlock	Vance
Graham	McClure	Vandever
Hamel	Morrison	Watson
Hanna	Murphey	Williams of L.
Hawkins,	Noble	Williams of W.
Haymond	Osborn	Wines of G. & W
Helmer	Pabody	Wines of V.
Henricks	Proffit	Wyman and
Herriman	Puckett	Mr. Speaker—53.
Hocker	Richey	

So said instructions did not prevail.

Ordered, That Messrs. Walpole, Owen, Gregory, Bryce and Stapp be said select committee.

Mr. Graham from the joint committee on Enrolled Bills made the following report.

MR. SPEAKER:

The joint committee on enrolled bills report that they did this day compare the enrolled with the engrossed bills of the House,

No. 25. "An act to incorporate the town of New Washington in Clark county, Indiana."

No. 44. "An act to incorporate the Lagro and Wabash Bridge company."

No. 53. "An act declaring Big Raccoon in the county of Parke a public highway."

Also, bill of the Senate,

No. 29. "An act to authorize the Fund Commissioners to settle with certain debtors of the State."

And find the same truly enrolled.

Whereupon the Speaker signed the same.

Ordered, That the clerk carry them to the Senate for the signature of their President.

Mr. Graham from the joint committee on Enrolled Bills made the following report:

MR. SPEAKER:

The joint committee on enrolled bills report that they did this day present to his Excellency the Governor for his approval and signature the following bills of the House:

No. 25. "An act to incorporate the town of New Washington in Clark county, Indiana."

No. 33. "An act appropriating part of the three per cent. fund in the county therein named."

No. 44. "An act to incorporate the Lagro and Wabash Bridge Company."

No. 53. "An act declaring Big Raccoon in the county of Parke a public highway."

No. 54. "An act to re-appropriate a portion of the three per cent. fund appropriated in Dearborn county, by an act approved February 4th, 1837."

Also, a bill of the Senate,

No. 29. "An act to authorize the Fund Commissioners to settle with certain debtors of the State."

And then the House adjourned until to-morrow morning 9 o'clock.

TUESDAY MORNING, Jan. 16, 1838.

The House met pursuant to adjournment.

The Speaker laid before the House a communication from Osborn & Chamberlain, together with a copy of Cobb's series of School Books;

Which were referred to the committee on Education.

The following report was made by Mr. Bennett:

MR. SPEAKER:

The committee on Claims to which was referred

1st. The petition of R. B. Cotton, late Sheriff of Switzerland county.

2nd. The petition of W. B. White and others, praying that an allowance may be made to Thomas Patton, for money by him expended in arresting a W. H. Smith, a horse thief.

2d. A resolution of this House No. 40, referring the claim of Andrew Wilson, Commissioner of the Saline Lands in Orange county: and

4th. A resolution of this House, referring the claims of persons who have been required to attend as witnesses before the investigating Bank committee have, according to order, had the several subjects under consideration, and have directed me to report that, in the opinion of your committee, it is inexpedient to legislate on the subject of the 1st and 2nd petitions, and ask to be discharged from the further consideration thereof. On the 3d and 4th resolutions the committee recommend the adoption of the following resolutions:

Resolved, That the committee of Ways and Means be directed to allow in the specific appropriation bill, to Andrew Wilson, the sum of twenty dollars and fifty cents for extra services by him rendered as commissioner of the Saline Lands in Orange county.

Resolved further, That all witnesses who have been regularly subpoenaed to appear before the investigating bank committee, by order of this House be allowed the same per diem allowance and the same mileage that members of the legislature are allowed, according to which principle, David Runnion, Benjamin Henkle, J. S. Hanna, John McCormick and Wm. N. Jenners, be allowed each the sum of forty-two dollars, for fourteen days lost in attendance at, and travelling to and from this place, and that the committee of Ways and Means be directed to make such allowance in the specific appropriation bill.

Mr. Carleton moved that the second branch of the report be referred to a select committee;

Which was decided in the negative,

When said report was concurred in generally.

The following resolution was offered by Mr. Smydth of C.

Resolved, That the Board of Internal Improvement lay before this House an approximating statement of the probable relative cost of a rail road on the line of the Madison and Lafayette road, compared to the cost of a McAdamized road (or wood paved road perhaps in part,) and the expediency of such a road on part of the line, in so far as the Board, from the materials before it, can furnish such estimates at the present time.

Also, what amount of the superstructure in timber is already contracted for or prepared, and what will be lost to the State in making such change.

Also, what amount could be saved by alterations of the grade and location which could be made in the event of the character of the road being changed.

Mr. Hocker moved the following amendment:

"And also to enquire what would be the probable cost of constructing a turnpike on the direct route from Indianapolis to Lafayette, with a wooden covering where stone cannot be found."

Which was decided in the negative,

And then the resolution was adopted.

Mr. Burns gave notice that he would on to-morrow move to amend the 56th rule, so that no bill or joint resolution on its second reading, shall be read by its "title" alone, but shall be read through entire.

Mr. Macy presented the remonstrance of sundry citizens of Henry county, against the incorporation of the town of Greensboro;

Which was referred to the same select committee to which petitions on that subject were referred.

Mr. Wines of G. and W. presented the petition of sundry citizens of Wabash and Kosciusko counties, for a State road in said counties;

Which was referred to the committee on Roads.

Mr. Watson presented the petition of sundry citizens of the counties of Tippecanoe, Carroll, Clinton and White, for the formation of a new county;

Which was referred to a select committee of Messrs. Watson, Milroy, Kenton, Huff, Major and Eldridge.

Mr. Milroy presented two several remonstrances on the same subject;

Which were referred to the same committee.

Mr. Eldridge also presented a petition on the same subject;

Which was referred to the same committee.

Mr. Hurst presented the petition of sundry citizens of the county of Clark, for the improvement of the breed of horses;

Which was referred to the committee on Agriculture.

Mr. Boyd presented the petition of Josiah Owen and others, for a State road from Bloomington in Monroe county, to Bloomfield in Green county;

Which was referred to the committee on Roads.

Mr. Porter presented the petition of A. Don Carlos and others, for an additional justice of the peace in Clinton township, in the county of Vermillion.

Which was referred to a select committee of Messrs. Porter, Burns and Carleton.

Mr. Milroy presented the petition of John Gust and others for a change in the mode of doing township business,

Which was referred to a select committee of Messrs. Milroy, Huff and Ristine.

On motion of Mr. Walpole,

The petition of William Martindale and other citizens of Hancock county,

Was taken from the table,

And referred to a select committee of Messrs. Walpole, Macy and Nickel.

Mr. Walpole from the committee on the Judiciary made the following report:

MR. SPEAKER:

The judiciary committee to whom was referred bill No. 26, for the relief of John B. M'Dowell, have according to order, had the same under consideration and have instructed me to report the same back to the House of Representatives without amendment,

When said bill was ordered to a third reading on to morrow.

Mr. Gregory from the committee on roads made the following report:

MR. SPEAKER:

The committee on roads to whom was referred the petition and remonstrance of John K. Tomlinson and others, and the petition of John

Davis and others of Delaware county, on the subject of a state road have had the same under consideration, and have instructed me to report it inexpedient to legislate on that subject at this time,

Which was concurred in by the House.

The following report was made by Mr Bryce;

MR. SPEAKER:

The committee on the judiciary to which was referred the petition of Samuel Bryan for himself and his associate justices of the county of Decatur, have had the same under consideration, and have directed me to report a bill No. 177, to legalize the proceedings of the board of justices of the county of Decatur,

Which was read the first time and passed to a second reading on to-morrow.

Mr. Williams of W. made the following report;

MR. SPEAKER:

The select committee to which was referred the petition of sundry citizens of the town of New Boston, Wayne county, praying for the incorporation of said town, have had the same under consideration, and directed me to report a bill

No. 178, to incorporate the town of New Boston in Wayne county,

Which was twice read and referred to the committee on corporations,

Mr. Wilson made the following report;

MR. SPEAKER:

The committee on corporations to which was referred "a bill (of the Senate) No. 9, to incorporate the West Delphi Bridge Company," have had the same under consideration, and have directed me to report it back to the House without amendment,

When said bill was ordered to a third reading on to-morrow.

Mr. Chamberlain made the following report:

MR. SPEAKER:—

The select committee to whom were referred petitions on the subject of printing copies of the laws in the German language, have had that subject under consideration, and directed me to report a bill

No. 179, to provide for the printing of 1000 copies of the Revised laws of 1838 in the German Language,

Which was read the first and second time,

And laid upon the table.

Mr. Champer made the following report;

MR. SPEAKER:

The select committee to which was referred a petition of the citizens of Green and Owen counties in relation to a certain state road therein named, have considered the same and direct me to report a bill

No. 180, to amend an act entitled an act to authorize the location of a state-road from the mouth of Eel River in Green county, to Bowlinggreen in Clay county,

Which was read the first time and passed to a second reading on tomorrow.

Mr. Davis made the following report;

MR. SPEAKER:

The select committee to whom was referred the petition of sundry citizens of the town of Maysville and of the county of Daviess, praying for a law authorizing them to elect a justice of the peace in the town of Maysville, have had the same under consideration and has instructed me to report a bill

No. 181, to provide for a justice of the peace in Maysville, Dav ess county,

Which was read the first time and passed to a second reading on tomorrow.

Mr. Judah from the select committee to which was referred a bill of the House No. 10, for the sale of certain school lands belonging to the Vincennes Reserved tract, reported the same back without amendment.

When said bill was ordered to a third reading on to-morrow.

Mr. Berry from the select committee to whom was referred a bill of the Senate No. 73 reported the same back with an amendment,

In which the House concurred,

And then the bill was ordered to a third reading on to-morrow.

Mr. Thompson of A. made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of the citizens of Whitley county, praying an organization of said county have directed me to report a bill No. 182, to organize the county of Whitley.

Which was read the first and second time,

And committed to the same select committee,

Mr. Wines of G. & W. from the select committee to which petitions off that subject were referred reported a bill No. 183, to define the counties of Wabash, Miami and Fulton, and including within each, territory not heretofore attached to any county,

Which was read the first time,

And passed to a second reading on to-morrow.

Mr. Brown from the select committee to which petitions on that subject were referred, reported a bill No. 184, declaring Turman's Creek a public highway,

Which was read the first time,

And passed to a second reading on to-morrow.

Mr. Wines of G. & W., from the select committee to which was referred a bill of the Senate No. 43, to alter and define the boundary lines of Grant county, reported the same back without amendment.

When said bill was recommitted to a select committee of Messrs. Crume, Chamberlain, Eldridge and Kenton.

Mr. Lane presented the petition of Robt. W. Secrest and others, for an additional justice of the peace in the town of Parkersburg in Montgomery county,

Which was referred to a select committee of Messrs. Lane, Bryce and Restine.

Mr. Vandever made the following report:

MR. SPEAKER:

The select committee to which was referred so much of the Governor's Message as relates to malfeasance in certain State officers, has had the same under their consideration, and owing to the limited means afforded them by said resolution, they have not been able to arrive at any conclusion on that subject; therefore they respectfully ask to be discharged from any further consideration on that subject.

On motion,

The committee was discharged.

And then the House adjourned.

2 o'clock, P. M.

The House met.

Mr. Graham from the joint committee on enrolled bills made the following report:

MR. SPEAKER:

The joint committee on enrolled bills report, that they did this day compare the enrolled with the engrossed bills of the Senate,

No. 13, an act authorizing a change of venue in certain cases therein named,

78, an act for the relief of Ward,

And find the same truly enrolled.

Whereupon, the Speaker signed the same.

Ordered, That the clerk carry them to the Senate for the signature of their President.

The following message was received from the Governor by Mr. McGuire, his private Secretary:

MR. SPEAKER:

I am requested by the Governor to inform the House of Representatives that he has approved and signed acts which originated in the House of Representatives, entitled

No. 25, an act to incorporate the town of New Washington in Clark county;

No. 33, an act appropriating part of the three per cent. fund in the county therein named;

No. 44, an act to incorporate the Lagro and Wabash Bridge Company;

No. 53, an act declaring Big Raccoon in the county of Parke, a public highway;

No. 54, an act to re-appropriate a portion of the three per cent. fund appropriated in Dearborn county by an act approved Feb. 4, 1837;

Also, an act, which originated in the Senate entitled,

No. 29, an act to authorize the Fund Commissioners, to settle with certain debtors of the State.

Mr. McClure from the select committee to which was referred a bill of the House No. 141, providing for the further improvement of the Michigan road together with the amendments, reported to the committee on canals and internal improvements, reported the same back with amendments.

When,

Mr. Noel moved,

To re-commit the bill to a select committee,

Which did not prevail,

Mr. Cotton of S. moved,

To amend the amendments by inserting in the proper place "and one hundred thousand dollars for the Vevay and Napoleon Turnpike."

Which was decided in the negative.

Mr. Gregory moved to amend by adding:

"And that fifty thousand dollars be and the same is hereby appropriated for the purpose of constructing a bridge over the Wabash river, at the town of Williamsport, in the county of Warren."

Which amendment did not prevail.

Mr. Wilson offered the following amendment:

Sec. That the sum of five hundred thousand dollars be and the same is hereby appropriated to the commencement and early completion of a McAdamized road from the Wabash river opposite Mount Carmel in Illinois, by the way of Princeton, Petersburg, Jasper, Fredonia, Corydon, Lanesville, to New Albany, in the county of Floyd, and that the Board of Public Works be required to have said route surveyed at as early a period as possible, in order to a speedy commencement and completion of the same."

Which was not adopted.

Mr. Glenn offered the following amendment:

"Strike out all after the words 'appropriated on the Michigan road, between Indianapolis and Napoleon,' in the second section, and insert the following:

"The Board of Public Works shall cause surveys for a McAdamized Road to be made between Napoleon and Lawrenceburgh: also between Napoleon and Aurora, and between Napoleon and Rising Sun, and shall select the cheapest and best route for such a road, after which the sum of _____ dollars shall be expended between the point so selected and Napoleon, commencing at Napoleon;

Which was not adopted.

Mr. Gregory moved to commit the bill and pending amendments to a committee of the whole House, and make them the order of the day for Thursday next;

Which was decided in the negative.

Mr. Vandever offered the following amendment:

"That the appropriations to be made by the provisions of this act, shall be superintended and laid out under the direction of William Polke, late commissioner on said road.

Which was not adopted.

Mr. Morrison offered the following amendment, after the words fifty thousand dollars per annum add:

"Provided, however, That until the whole amount of fifty thousand dollars aforesaid shall be paid and made applicable to the construction of said road, none of the money hereby appropriated shall be applied between Napoleon and Lawrenceburg;

Which was decided in the negative.

Mr. Kenton offered the following amendment:

"That before any money is appropriated on the road north of Kirk's a survey and estimate be made on a direct route, passing through Frankport, Delphi and Monticello; and if said route is not less than \$50,000 cheaper, and 30 miles nearer, to cause said Michigan road to be improved in the manner described by Mr. Adams, the engineer. If not less, then improve it agreeably to the plan proposed to be adopted in the Michigan road.

And before any decision thereon,

The House adjourned until to-morrow 9 o'clock.

WEDNESDAY MORNING, JANUARY 17, 1838.

The House met pursuant to adjournment.

The following message was received from the Senate by Mr. Martin, their Assistant Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate has passed engrossed bills of the House,

No. 107. "An act to locate the seat of justice of Wells county."

No. 12. "An act to vacate part of Solomon Romig's addition to the town of Lafayette,"

Without amendment. Also they have passed an engrossed bill of the Senate,

No. 55. "A bill locating a state road from Delphi to Marion," in which the concurrence of the House of Representatives is respectfully requested.

Bill No. 55, named in the message was read the first time and passed to a second reading on to-morrow.

The following message was received from the Senate, by Mr. Test, their Secretary:

MR. SPEAKER:

I directed by the Senate to inform the House of Representatives, that the Senate has passed engrossed bills thereof, entitled

No. 65. An act to locate a state road from Laurel in Franklin county, to West-Union in Fayette county, and for other purposes.

No. 104. An act to locate a state road from Salem in Washington county to Charlestown in Clark county.

In each of which the concurrence of the House is respectfully requested.

Bill No. 65, named in the message, was read the first and second time and referred to the committee on roads.

Bill No. 104, named in the message was read the first and second time, and referred to the same select committee to which petitions on the same subject were referred.

The following message was received from the Senate, by Mr. Dunning a member:

Mr. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed an engrossed bill of the House, entitled

No. 57. An act for opening, and repairing public roads and highways in Hancock county, without amendment.

Also, they have passed engrossed bills of the Senate, entitled

No. 17. An act to locate a state road from Bristol in Elkhart county, via: Middlebury to the Gushen and Lima State road at or near Andrew's Lake, in Lagrange county.

An act to locate a certain state road therein named.

No. 36. An act to incorporate the Greenville Seminary in Floyd County.

No. 45. An act authorizing the construction of a Bridge over White River on the Michigan Road.

No. 67. An act to appropriate a certain portion of the 3 per cent-fund belonging to Cass county.

No. 68. An act to locate a state road therein named.

No. 71. An act to incorporate the Laurel Franklin county bridge company.

No. 79. An act to locate a state road from Augusta in Noble county to Huntington in Huntington county and for other purposes.

No. 92. An act for the relief of Thomas P. Miller, and

No. 103. An act for the relief of Isaac Kimberlain, to all of which the concurrence of the House is respectfully requested.

Also the Senate has passed an engrossed bill of the House entitled

No. 38. An act to incorporate the Marion Fire Engine Company,

With sundry amendments in which the concurrence of the House is also, respectfully requested.

Bills No. 17, 68 and 79, named in the message and the bill to locate a certain state road therein named,

Were severally read the first and second time and referred to the committee on roads.

Bill No. 45, named in the message, was read the first and second time, and referred to a select committee of Messrs. Hanna, Morrison Milroy and Eldridge.

Bill No. 67, named in the message was read the first and second time and passed to a third reading on to-morrow.

Bills No. 36 and 71, named in the message were read the first and second times and referred to the committee on Corporations.

Bill No. 92, named in the message was twice read and referred to the committee on Claims.

Bill No. 103, named in the message was read the first time and passed to a second reading on to-morrow.

The amendments made by the Senate to the bill of the House, No. 38, Were concurred in.

Ordered, That the Senate be informed thereof.

The following message was received from the Senate by Mr. Test, their Secretary.

MR. SPEAKER:

I am instructed by the Senate to inform the House of Representatives, that the Senate have adopted the following resolution, to wit:

Resolved, That the revising committee be instructed that in revising the laws organizing Probate Courts, and defining the powers and duties of executors, administrators and guardians they report a bill embracing the principles of the present law on that subject, and that the House of Representatives be informed of the adoption of this resolution, and their concurrence requested therein.

On the question, will the House concur in the resolution of the Senate, It was decided in the negative.

Mr. Judah from the committee on Revision, reported

A bill No. 185, establishing a county treasurer.

No. 186. To authorize the seizure of boats and other vessels for debt.

No. 187. Relative to proceedings upon writs of *mandamus*, and information in the nature of *quo warranto*.

No. 188. Against forcible entry and detainer.

Which were severally read the first and second time,

And committed to a committee of the whole House,

And made the order of the day for Thursday, 24th inst.

Ordered, That 200 copies of bill No. 185 be printed.

Mr. Judah from the committee on Revision, reported

A bill No. 189, dividing the State into Judicial Circuits, and providing for the times of holding courts therein.

Which was read the first and second times,

And referred to a select committee of Messrs. Crume, Judah, Jones, Ferguson, Marshall, Hanna, Lane, Hood and Chamberlain.

Mr. Crume moved the following instructions to said committee:

"To strike out all that part of the bill that provides for new circuits; and that they re-organize the circuits so as to equalize the labor of the judges."

Mr. Macy moved that the instructions be laid upon the table.

And the ayes and noes being requested thereon by Messrs. Crume and Bennett.

Those who voted in the affirmative were:

Messrs. Bryce	Huff	Richey
Burns	Hurst	Thompson of A.
Chamberlain	Lane	Vance,
Champer	Macy	Walpole
Cox	Marshall	Watson
Cunningham	Matlock	Wilson
Davis	McClure	Wines of G. & W.
Dowling	Murphey	Wines of V.
Eldridge	Peaslee	Wyman and
Henricks	Pucket	Zenor—30.

Those who voted in the negative were:

Messrs. Arnold	Helmer	Osborn
Bennett	Henley	Owen
Berry	Hocker	Paboby
Blair	Hood	Perine
Boon	Howell	Porter
Brown	Hubbard	Reeve,
Carleton	Huston	Ristine
Carr	Jackson	Robbins
Cotton of P.	Jones	Roe,
Cotton of S.	Judah	Shook
Crume	Kenton	Sims
Ferguson	Lee	Smith of W.
Ferris,	Leviston,	Smydth of C.
Gaddis	Major	Stapp
Garrigus	McCrillus	Tannehill
Glenn,	Miller	Thompson of F.
Graham	Milroy	Vandever

Gregory
Haddon
Hamel
Hanna
Hawkins
Haymond

Monroe
Morrison
Nickel
Noble,
Noel

Whitman
Williams of L.
Williams of R.
Williams of W. &
Mr. Speaker—66.

So said motion was decided in the negative.

When,

On motion of sundry members,

The proposition of Mr. Crume was amended as follows:

“Except the fourth judicial circuit; and that the counties of Orange, Jackson and Lawrence, be allowed each two weeks at each term.

The county of Floyd shall be allowed three terms in each year.

The county of Wayne shall have three weeks at each term. The county of Green shall have two weeks at each term. The county of Cass, three weeks. The county of Montgomery two weeks. The county of Elkhart two weeks at the spring term. Laporte an extra term each year at the discretion of the judges.

Mr. Thompson of A. moved further to amend said instructions:

“That the counties of Jay and Wells be added to the sixth circuit.”

And before any decision thereon,

The instructions and pending amendment were laid upon the table.

Mr. Gregory made the following report:

MR. SPEAKER:

The committee on revision to which was referred a bill of the Senate No. 59, amendatory of an act to provide for an equitable mode of levying the taxes of this State approved February 8, 1836, have had the same under consideration and have agreed to report it back to the House without amendment, and ask it to be indefinitely postponed.

When the report of the committee was concurred in,

And said bill indefinitely postponed.

On motion of Mr. Crume,

Resolved, That this House will, during the remainder of the session proceed to the orders of the day at 2 o'clock P. M.

Mr. Jones gave notice that he would on to morrow move to amend

rules of the House; so as to make the introduction of bills the first thing in order after reading the journals.

Mr. Hocker presented two several remonstrances of citizens of Boone county, against the establishment of certain state road in said county.

Which were referred to the same select committee to which petitions on the same subject were referred.

Mr. Dowling presented the memorial of the committee of the State Agricultural Society of Indiana, asking an allowance to be made by law to the Secretary of the State Board of Agriculture, &c.,

Which was read and referred to the committee on Agriculture.

Mr. Haddon presented the petition of David H. Hancock and others, for the change of the State road from Vincennes to Carlisle,

Which was referred to a select committee of Messrs. Haddon, Cox and Davis.

Mr. Herriman presented the petition of Elisha Wadsworth and others for a state road through the counties of Decalb, Noble &c.,

Which was referred to the committee on roads.

Mr. Milroy presented the petition of John Woodman and others, of the county of Carroll for a change in the mode of doing county and township business.

Which was referred to the same select committee to which other petitions on the same subject were referred.

Mr. Gaddis presented the petition of John Cartmill and others for the passage of an act authorizing the sale of certain real estate,

Which was referred to the judiciary committee.

Mr. Lane presented the petition of William W. Ennis and others, for an additional justice of the peace in the town of Pleasant Hill in Montgomery county.

Which was referred to a select committee of Messrs. Lane, Restine and Bryce.

Mr. Herriman presented the petition of W. T. Engle and others for a state road from the town of Kendallville to the town of Wolf Lake.

Which was referred to the committee on roads.

Mr. Jones made the following report:

MR. SPEAKER:—

The committee on the judiciary to whom was referred resolution directing said committee to enquire into the expediency of authorizing

a change of venue in criminal cases, has had the same under consideration and directed me to report, a bill No. 190, prescribing the manner of changing the venue in criminal cases,

Which was read the first and second time and referred to a committee of the whole House on to-morrow with the bill for changing the venue in civil cases.

Mr. McClure made the following report:

MR. SPEAKER:

The judiciary committee to whom was referred the petition of John Matthews, asking certain relief, have had the same under consideration and directed me to report a bill No. 191, for the relief of John Matthews.

Which was read the first time and passed to a second reading on to-morrow.

Mr Jones made the following report:

MR. SPEAKER:

The committee on the Judiciary to whom was referred the petition of Derbin Gaw praying a change of venue in a certain case therein named, have had the same under consideration and directed me to report:

A bill No. 192, for the relief of Derbin Gaw.

Which was read the first time and passed to a second reading on to-morrow.

Mr. Ferguson from the committee on the State Prison reported a bill No. 193, to amend an act to regulate the State Prison;

Which was read the first time and passed to a second reading on to-morrow.

Mr. Jones introduced a bill No. 194, legalizing the proceedings of the Board of Commissioners of Vanderburg county;

Which was read the first and second time and ordered to a third reading on to-morrow.

The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met.

Mr. Vance presented the petition of George French and others for the relocation of a State road therein named;

Which was referred to the select committee of Messrs. Vance, Puckett and Thompson of A.

Mr. Judah from the committee on Revision reported a bill No. 195, to provide for carrying into effect the laws in new counties.

No. 196, authorizing attachments and regulating proceedings therein.

No. 197, to regulate practice in chancery.

Which were severally read the first and second time and committed to a committee of the Whole House and made the order of the day for Thursday 24th inst.

Ordered, That 100 copies of bill No. 197 be printed.

The following message was received from the Senate by Mr. Baird of St. Joseph, a member:

MR. SPEAKER:

I am instructed by the Senate to inform the House of Representatives that the Senate has passed an engrossed bill entitled, No. 99, an act to amend an act to incorporate the Buffalo and Mississippi Rail Road Company.

In which the concurrence of the House of Representatives is respectfully requested.

The bill No. 99, named in the message, was read the first and second time and referred to a select committee of Messrs. McClure, Henricks, Chamberlain, Hamel and Herriman.

The following message was received from the Senate by Mr. Test, their Secretary.

MR. SPEAKER:

I am instructed by the Senate to inform the House of Representatives that the Senate has passed engrossed bills and a joint resolution thereof entitled:

No. 46, an act to amend the 28 section of an act entitled an act relating to State Roads, approved 6 Feb. 1837.

No. 60, an act to amend an act entitled, an act to provide for distributing so much of the Surplus Revenue of the United States as the State of Indiana may be entitled to and receive by virtue of an act of Congress approved 23 June, 1836, approved Feb. 6, 1837.

No. 80, an act to prescribe the mode of electing Commissioners of the Board of Internal Improvement.

No. 81, an act regulating damages on protested Bills of Exchange.

No. 116, an act to appropriate a part of the three per cent. fund in the county of Morgan.

And, No. 112, a joint resolution for the benefit of the collector of Clark county for 1837.

In all of which the concurrence of the House of Representatives is respectfully requested.

Bill No. 60, named in the message, was read the first time and passed to a second reading on to-morrow.

Bill No. 80, named in the message, was read the first and second time, When,

Mr. Crume moved to strike out all after "elected" in the 4th line, and insert "by joint viva voce vote of the Senate and House of Representatives."

Mr. Bryce moved to amend said amendment by striking out viva voce vote and insert "ballot."

And the ayes and noes being requested thereon by Messrs. Jones and Cotton of S.

Those who voted in the affirmative, were

Messrs. Arnold	Helmer	Porter
Berry	Henley,	Proffit
Blair	Henricks	Reeve
Boon	Herriman	Richey
Boyd	Hubbard	Ristine
Bryce	Huff,	Robbins
Brown	Huston	Roe
Carleton	Jackson	Shook
Chamberlain	Leviston	Sims
Cotton of P.	Macy	Smith of W.
Cunningham	Major	Smydth of C.
Davis	Marshall	Tannehill
Eldridge	Matlock	Vandever
Ferris	Miller	Whitman
Gaddis	Monroe	Williams of L.
Gregory	Nickel	Williams of W.
Haddon	Pabody,	Wines of V.
Hamel	Peaslee	Wyman and
Haymond	Perine	Mr. Speaker—58.

Those who voted in the negative, were

Messrs. Bennett	Hood	Osborn
Burns	Howell	Owen

Carr
Cotton of S.
Cox
Crume
Dowling
Ferguson
Garrigus
Glenn
Graham
Hawkins
Hocker

Hurst
Jones
Judah
Kenton
Lane
Lee
McClure
McCrillus
Milroy
Murphey
Noble

Puckett
Stapp
Thompson of A.
Thompson of F.
Vance
Walpole
Watson
Williams of R.
Wilson
Wines of G. & W.
and Zenor—39.

So said amendment was decided in the affirmative.

When said amendment as amended was adopted.

Mr. Owen moved that the bill be referred to a select committee of three, with instructions to add a section or sections, reducing the number of the State Board of Internal Improvement to "three."

Mr. Perine moved that the word "three" be stricken out, and "five" inserted.

Which did not prevail.

And the ayes and noes being requested on Mr. Owen's proposition, by Messrs. Jones and Owen.

Those who voted in the affirmative were:

Messrs. Arnold
Bennett
Blair
Boon
Brown
Burns
Carr
Cotton of P.
Cotton of S.
Cox
Ferguson
Ferris

Garrigus
Glenn
Gregory
Haddon
Henley
Hocker
Hurst
Jackson
Leviston
Major
Milroy
Nickel

Noel
Owen
Peaslee
Perine
Porter
Reeve
Roe
Shook
Smith of W.
Walpole
Wilson and
Zenor—36.

Those who voted in the negative, were

Messrs. Berry
Boyd
Bryce
Carleton
Chamberlain
Crume
Cunningham
Davis
Dowling
Eldridge
Gaddis

Howell
Hubbard
Huff
Jones
Judah
Kenton
Lane
Lee
Macy
Matlock
McClure

Richey
Ristine
Robbins
Sims
Smydth of C.
Stapp
Tannehill
Thompson of A.
Thompson of F.
Vance
Vandever

Graham
Hamel
Hanna
Hawkins
Haymond
Helmer
Henricks,
Herriman
Hood

Miller
Monroe
Morrison
Murphey
Noble
Osborn
Pabody
Proffit
Pucket

Watson
Whitman
Williams of L.
Williams of R.
Williams of W.
Wines of G. & W.
Wines of V.
Wyman and
Mr. Speaker—61.

So said motion was decided in the negative.

Mr. Perine moved that the bill be referred to a select committee, with instructions to reduce the number of the State Board of Internal Improvement to "five,"

When Mr. Vandever asked a division of the question.

And on the question, shall the bill be referred to a select committee,

The ayes and noes being requested thereon by Messrs. Bryce and Davis.

Those who voted in the affirmative, were

Messrs. Arnold
Bennett
Blair
Brown
Burns
Carr
Champer
Cotton of P.
Cotton of S.
Cox
Ferguson
Ferris
Garrigus
Glenn

Gregory
Haddon
Hanna
Henley
Hocker
Hurst
Jackson
Kenton
Leviston
Major
Miller
Milroy
Nickel
Owen

Peaslee
Perine
Porter
Reeve
Roej
Shook
Smith of W.
Walpole
Watson
Williams of L.
Williams of R.
Wilson and
Zenor—41.

Those who voted in the negative, were

Messrs. Perry
Boyd
Bryce
Carleton
Chamberlain
Crume
Cunningham
Davis
Dowling
Eldridge
Gaddis
Graham
Hamel

Hood
Howell
Hubbard
Huff
Jones
Judah
Lane
Lee
Macy
Marshall
Matlock
McClure
Monroe,

Proffit
Richey
Restine
Robbins
Sims
Smydth of C.
Stapp
Tannehill
Thompson of A.
Thompson of F.
Vance
Vandever
Whitman

Hawkins
 Haymond
 Helmer
 Henricks
 Herriman

Morrison
 Murphey
 Noble
 Osborn
 Pabody

Williams of W.
 Wines of G. & W
 Wines of V.
 Wyman and
 Mr. Speaker—54.

So said motion to commit was decided in the negative.

And before any further action was had on said bill,

The House adjourned until to-morrow morning at 9 o'clock.

THURSDAY MORNING, Jan. 18th, 1838.

The House met pursuant to adjournment.

And resumed the consideration of the message received on yesterday from the Senate.

Bill No. 80, named in the message,

Was read the third time,

And passed.

Ordered, That the Senate be informed thereof, and their concurrence requested in the amendments made by the House.

Bill No. 81 of the Senate named in the message,

Was read the first time,

And passed to a second reading on to-morrow.

Bill No. 116, named in the message,

Was read the first time

And passed to a second reading on to-morrow.

The joint resolution No. 112, named in the message,

Was read the first time,

And passed to a second reading on to-morrow.

Mr. Shook presented the petition of sundry citizens of Ripley county, on the subject of a state road therein named.

Which was referred to a select committee of Messrs. Shook, Peaslee and Blair.

Mr. Perine presented the petition of James Knowles and others, for a state road from Fort Wayne to Milford,

Which was referred to the committee on roads.

Mr. Stapp presented the petition of Asa Brown, asking an additional allowance on a contract on the public works,

Which was read and referred to a select committee of Messrs. Stapp, Crume, Vanderveer, Hawkins and Wines of G. & W.

Mr. Jones presented the petition of sundry citizens of Vanderburg county on the subject of Circuit Courts.

Which was referred to the select committee to which was referred the bill to organize Circuit Courts.

Mr. Jones presented the petition of sundry citizens of the town of Evansville on the subject of amendments to the charter of said town.

Which was referred to the committee on corporations.

Mr. Wines of G. & W. presented the petition of John Comstock and others, for the location of a state road therein named,

Which was referred to the committee on roads.

Mr. Chamberlain presented the petition of Abner Stitson and others, for a state road from Goshen in Elkhart county to the town of Elkhart.

Which was referred to a select committee of Messrs. Chamberlain, Perine and Henrick.

Mr. Herriman presented the petition of S. P. Williams and others, for the incorporation of a company to make a rail road therein named.

Which was referred to a select committee of Messrs. Herriman, Chamberlain, Henricks, McClure and Hamel.

Mr. Herriman presented the petition of sundry citizens, of the town of Lima, asking that the laws for preventing the passing of counterfeit money be made more efficient.

Which was referred to the committee on revision.

Mr. Herriman presented the petition of Ward Bradford and others, for the incorporation of a manufacturing company.

Which was referred to the committee on corporations.

Mr. Robbins from the committee on the judiciary, made the following report:

MR. SPEAKER:

The judiciary committee to which was referred the petition of William Trulock and others, praying for the relief of certain persons therein named, have had the same under consideration, and have directed me to report a bill No. 198. for the relief of the minor heirs of Michael C. Snyder,

Which was read the first time and passed to a second reading on tomorrow.

Mr. Walpole from the judiciary committee made the following report:

The judiciary committee to whom was referred the petition and remonstrance of sundry citizens of Decatur county, in reference to legalizing the election of Trustees of the Presbyterian Church of Sand Creek, Decatur county, have according to order, had the same under consideration, and have instructed me to report a bill No. 199, to legalize the election of Trustees of the Presbyterian Church of Sand Creek, in Decatur county.

Which was read the first time and passed to a second reading on tomorrow.

The House then resumed the consideration of bill No. 141, to provide for the further improvement of the Michigan road.

The question pending when the House adjourned on yesterday, to wit: the amendment offered by Mr. Kenton,

Was decided in the negative.

Mr. Gregory offered the following amendment,

Amend so that the turnpike road in Rush county, be stricken out and insert "new" before Lawrenceburgh, and strike out all that part, that requires the State to receive the work done between New and Old Lawrenceburgh," and that the company be required to pay the State \$20,000 per annum, until the whole sum of the \$221,000, that the company now has on hand, be paid to the state.

Which was decided in the negative.

On motion of Mr. Williams of R.

The amendment made by the committee was amended as follows: "an equal proportion in proportion to the length of the road in the county of Rush."

Mr. Lee moved the following amendment:

Strike out all that part of the bill which appropriates any funds east of Indianapolis in the direction of Madison and insert the following:

That the sum of \$250,000 be and the same is hereby appropriated to the construction of a M'Adamized road from the town of Columbus in Bartholomew county to Jeffersonville in Clark county on the route which has heretofore been surveyed; said money to be expended under the direction of the Board of Internal Improvements at as early a period of time as the public interest may require.

And the ayes and noes being requested therein by Messrs. Gregory and Lee.

Those who voted in the affirmative, were

Messrs. Berry	Lee	Tannehill
Boyd	Marshall	Vandeveer
Carr	Murphey	Whitman
Ferguson	Noble	Wilson and
Herriman	Roe	Zenor—16.
Hurst		

Those who voted in the negative were,

Messrs. Arnold	Haymond	Owen
Bennett	Helmer	Pabody
Blair	Henricks	Peaslee
Boon	Hocker	Perine
Bryce	Hood	Porter
Brown	Howell	Reeve
Burns	Hubbard	Richey
Carleton	Huff,	Ristine
Chamberlain	Huston	Robbins
Cotton of P.	Jackson	Shook
Cotton of S.	Jones	Sims
Cox	Kenton	Smith of W.
Cunningham	Lane	Smydth of C.
Davis	Leviston	Stapp
Dowling	Major	Thompson of F.
Ferris	Matlock	Vance
Gaddis	McClure	Walpole
Garrigus	M'Crillus	Watson
Glenn	Miller	Williams of L.
Graham	Milroy	Williams of R.
Gregory	Monroe	Williams of W.
Haddon	Morrison	Wines of G. & W
Hamel	Nickel	Wines of V.
Hanna	Noel	Wyman and
Hawkins,	Osborn	Mr. Speaker—76.

So said amendment was decided in the negative.

Mr. Watson moved the following amendment:

Strike out so much of the amendment as proposes to appropriate 25,000 dollars on the road south of Indianapolis, and insert in lieu thereof the same sum on the road north of Indianapolis.

Which was decided in the negative.

The question then recurring on the amendment of the select committee to the amendment of the committee on canals and Internal Improvement.

And the ayes and noes being requested thereon by Messrs. Hubbard and Peaslee.

Those who voted in the affirmative, were

Messrs. Blair,	Henricks,	Peaslee,
Boyd,	Herriman,	Perine,
Chamberlain,	Hocker,	Porter,
Dowling,	Hood,	Puckett,
Eldridge	Lane,	Reeve,
Ferris,	Marshall,	Richey,
Gregory,	McClure,	Roe
Hamel,	McCrillus,	Shook,
Hanna,	Morrison,	Whitman, and
Haymond,	Nickel	Williams of R.—33
Henley	Noel,	

Those who voted in the negative, were

Messrs. Arnold,	Hubbard,	Sims,
Bennett,	Huff	Smith of W.,
Berry,	Hurst,	Smydth of C.,
Boon	Huston	Stapp,
Brown,	Jackson,	Tannehill,
Carleton,	Jones	Thompson of A.,
Carr,	Kenton,	Thompson of F.,
Cotton of P.,	Lee,	Vance,
Cotton of S.,	Leviston,	Vandever,
Cox,	Major,	Walpole,
Cunningham,	Miller,	Watson,
Davis,	Milroy,	Williams of L.,
Ferguson,	Monroe,	Williams of W.,
Gaddis,	Murphey,	Wilson,
Glenn,	Noble	Wines of G. & W.,
Graham,	Osborn,	Wines of V.,
Haddon,	Owen,	Wyman
Hawkins,	Pabody,	Zenor and
Helmer,	Pistine,	Mr. Speaker—60.
Howell,	Robbins,	

So said amendment was decided in the negative.

And then the House adjourned.

2 o'clock, P. M.

The House met,

And proceeded to consider the orders of the day.

Bills of the House.

No. 35, relative to the Vincennes University.

No. 23, relative to changing the mode of electing a commissioner of the three per cent. fund in the county of Daviess.

No. 56, to encourage the killing of wolves.

No. 61, for the relief of Henry Matthews.

No. 24, to incorporate the Morgan County Seminary.

No. 26. For the relief of John B. M'Dowell.

No. 10. For the sale of certain school lands belonging to the Vincennes reserved tract.

No. 67, of the Senate to appropriate a certain portion of the three cent. fund belonging to Cass county.

No. 156. To legalize the sale of section 16 in township 9, range two, west.

No. 39. To incorporate the town of Princeton.

No. 105. To incorporate the Rockport Steam Mill Manufacturing Company.

No. 194. To legalize the proceedings of the board of commissioners of Vanderburg county,

Were severally read the third time and passed.

Ordered, That the Senate be informed thereof, and their concurrence therein requested.

Bills of the Senate.

No. 35. To locate a state road from Cambridge City to Fort Wayne.

No. 63. To legalize the sale of school lands in the county of Floyd.

No. 73. To amend an act entitled "an act to establish and re-locate certain state roads therein named and for other purposes, approved Feb. 3, 1837,"

Were severally read the third time and passed.

Ordered, That the Senate be informed thereof.

On motion of Mr. Howell,

The committee of the whole were discharged from the consideration of bill No. 63, to provide for a uniform mode of doing county business in the several counties in this State,

And said bill was referred to the committee on revision.

Bill of the House No. 9, to incorporate the West Delphi Bridge Company was read the third time and referred to a select committee of Messrs. Vandever, Milroy and Eldridge.

Bill No. 67, concerning state roads therein named, was read the second and third times and passed.

Ordered, That the Senate be informed thereof and their concurrence therein requested.

Bill No. 68, to amend an act entitled "an act giving to Mechanics a lien upon buildings,"

Was read the second time and referred to a select committee of Messrs. Carleton, Gregory, Crume and Hurst.

No. 69. To repeal an act entitled "an act relative to evidence, approved Feb. 4, 1837,"

Was read the second time and referred to the committee on revision.

No. 70 and 76, to amend the act entitled "an act to provide for a general system of Internal Improvement, approved Jan. 27, 1836,"

Were severally read the second time and referred to the committee on Canals and Internal Improvement.

No. 72. To incorporate the town of Paoli in Orange county.

No. 81. To incorporate the town of Martinsville in Morgan county.

No. 90. To incorporate the Knightstown Canal Manufacturing and Trading Company,

Were read the second time and referred to the committee on Corporations.

No. 73. To amend an act entitled "an act to prohibit the circulation of Bank notes of a denomination less than five dollars,"

Was read the second time, and indefinitely postponed.

No. 74. Declaring a certain name a misprint.

No. 77. To prevent obstructions in Anderson's River in Perry and Spencer counties.

No. 82. Appropriating the three per cent. fund belonging to the county of Warren.

No. 86. Providing the number and mode of electing Trustees of the Posey Seminary.

No. 89. Organizing Jasper county,

Were severally read the second time and ordered to a third reading on to-morrow.

No. 75. For the relief of John R. Porter,

Which was read the second time, and referred to the committee on clames.

No. 78. Granting certain powers and privileges to the grantee, therein named,

Was twice read and referred to the committee on corporations.

No. 79. To prescribe the mode of electing the members of the Board of Internal Improvement,

Was read the second time,

And laid upon the table.

No. 88. To re-locate a state road in Dearborn county,

Was read the second time and referred to the committee on roads.

No. 84. To legalize the acts of the Recorder of Jackson county,

Was read the second time and referred to a select committee of Messrs. Carr, Tannehill and Pabody.

No. 85, To amend an act entitled "An act regulating the admission and practice of attorneys and counsellors at law, approved Jan. 31, 1824."

Was read the second time,

And referred to the committee on the Judiciary.

No. 80, to provide for the election of county assessors,

Was read the second time,

And laid upon the table.

No. 87, supplemental to an act entitled "an act for the appointment of county surveyors and their deputies;"

Was read the second time,

And referred to the committee on Revision.

The following message was received from the Senate by Mr. Test, their Secretary:

MR. SPEAKER:

I am instructed by the Senate to inform the House of Representatives that the Senate have passed an engrossed bill thereof.

No. 130. An act to authorize the Laporte circuit court to hold a special session,

In which the concurrence of the House is respectfully requested.

Also, the Senate has passed an engrossed bill of the House of Representatives, and memorial,

No. 162, entitled a memorial and joint resolutions on the subject of the National Road.

And No. 64, an act to amend an act entitled an act to provide for a general system of Internal Improvement, approved Jan, 27, 1836.

The first without amendment, the latter with two amendments,

In which the concurrence of the House is respectfully requested.

Bill No. 130 named in the message,

Was read three times,

And passed.

The amendments made by the Senate to the bill of the House No. 64, named in the message,

Was concurred in by the House.

Ordered, That the Senate be informed thereof.

On motion of Mr. Jones,

Resolved, That the rules of the House be so changed as to make the introduction of bills the first thing in order after the reading of the journals of the House each day.

And then the House adjourned until to-morrow morning 9 o'clock.

FRIDAY MORNING, JAN. 19, 1838.

The House met pursuant to adjournment.

Mr. Eldridge introduced a bill

No. 200, to incorporate the city of Logansport.

Mr. Williams of W. introduced a bill

No. 203, to incorporate the Richmond and Brookville Canal Company.

Mr. Arnold introduced a bill

No. 205, to amend the act entitled "an act to incorporate the Lawrenceburgh and Harrison Turnpike Company, approved Feb. 6, 1836.

Mr. Gregory introduced a bill

No. 211, to incorporate the Crawfordsville and Williamsport Turnpike Company.

Which were severally read the first and second time,

And referred to the committee on Corporations.

Mr. Berry introduced a bill

No. 201, to re-locate a part of a State road in Monroe county.

Mr. Boyd introduced a bill

No. 202, to vacate the town of Newburg in Green county.

Mr. Brown introduced a bill

No. 207, to locate a State road therein named.

Mr. Reeve introduced a bill

No. 208, to amend an act entitled "an act to incorporate the President and Trustees of the Rush County Seminary.

Mr. Gregory introduced a bill

No. 212, appointing and authorizing Dan. Mace as a commissioner to make deeds on behalf of George Hollingsworth's heirs to the purchasers of certain lots in the town of Attica.

Mr. Kenton introduced a bill

No. 216, to revive and confirm certain State roads therein named in the counties of White, Pulaski, Marshall and Carroll, and for other purposes.

Mr. Herriman introduced a bill

No. 222, to provide for draining the lowlands around Centre Lake, in Steuben county.

Which were severally read the first time

And passed to a second reading on to-morrow.

Mr. Dowling introduced a bill No. 204, to amend an act entitled "an act to provide for draining Lost Creek in Vigo county, approved Jan. 21st, 1837.

Which was read the first and second time and referred to the committee on the Judiciary.

Mr. Milroy introduced a bill No. 206, amendatory of the act entitled "an act for the formation of the Pleasant Run School District in Carroll county;"

Which was read the first and second time and ordered to a third reading on to-morrow.

Mr. Davis introduced a bill No. 209, appropriating a certain sum of money on the East and West Forks of White River;

Which was read the first and second time,

When,

Mr. Haddon moved the following amendment:

"And that ten thousand dollars be appropriated to the construction of a road from McCutchen's Landing on the Wabash River in Sullivan county to Carlisle, and twenty thousand dollars to the construction of a road from Merom to Busron's Mills, by way of Lebanon in Sullivan county.

Mr. Vandeverer moved to amend the amendment as follows:

And that ten thousand dollars be expended in the improvement of the navigation of Lost River.

When said bill and amendments were referred to the committee on Canals and Internal Improvements.

Mr. Garrigus introduced a bill No. 210, to reduce the pay and mileage of the members of the General Assembly,

Which was read the first time,

When,

Mr. Proffit moved that it be rejected.

And the ayes and noes being requested thereon by Messrs. Proffit and Glenn.

Those who voted in the affirmative were:

Messrs. Arnold	Herriman	Perine
Berry	Hocker	Proffit
Blair	Hood	Puckett
Bryce	Howell	Ristine
Carleton	Hubbard	Robbins
Chamberlain	Huff	Sims
Champer	Hurst	Vance
Cox	Jackson	Watson
Dowling	Kenton	Whitman
Ferris	Lane	Williams of W.

Glenn
Gregory
Haddon
Hamel
Hawkins
Haymond
Henricks

Leviston
Macy
Matlock
M'Clure
Morrison
Murphey
Noble

Wilson
Wines of G. & W.
Wines of V.
Wynan
Zenor and
Mr. Speaker.—50.

Those who voted in the negative, were

Mesrs. Bennett
Boon
Boyd
Brown
Burns
Carr
Cotton of S.
Crume,
Cunningham
Davis
Eldridge
Gaddis
Garrigus
Graham
Hanna

Helmer
Henley
Huston
Judah,
Lee
Major
Marshall
M'Crillus
Miller
Milroy
Monroe
Nickel
Noel
Osborn
Pabody

Peaslee
Porter
Reeve
Richey
Roe
Smith of W.
Smydth of C.
Stapp
Tannehill
Thompson of A.
Thompson of F.
Vandever
Williams of L, and
Williams of R.—44

So said bill was rejected.

Mr. Carleton introduced a bill No. 213, giving to the State of Illinois the right of way within this State to connect the northern cross rail road in Illinois with the Wabash and Erie Canal at Covington.

Mr. Hawkins introduced a bill No. 221, authorizing the location of the White Water Canal north of the National Road;

Which were severally read the first and second time and referred to the committee on Canals and Internal Improvement,

Mr. Hamel introduced a bill No. 214, to amend the 17th section of the 8th chapter of an act relating to public schools, approved Feb. 6, 1837;

Which was read the first and second times and referred to the committee on Education.

Mr. Osborn introduced a bill No. 25, to enable persons to remove fences made by mistake on the lands of other persons.

Which was read the first and second time and referred to the committee of the Whole House to which was referred a bill relating to enclosures and trespassing animals.

Mr. Owen introduced a bill No. 217, regulating marriage settlements and for other purposes;

Which was read the first and second time and laid upon the table.

Mr Miller introduced a bill No. 218, to provide for opening and repairing public roads and highways in the county of Gibson.

Mr. Whitman introduced a bill No. 219, to prevent the circulation of individual bills in the form and for the purposes of a circulating medium.

Which were severally read the first and second time and ordered to a third reading on to-morrow.

Mr. Walpole introduced a bill No. 220, to locate a State road in Hancock county.

Which was read the first and second time and referred to the committee on roads.

Mr. Brown introduced a bill No. 223, rescinding a joint resolution.

Which was read the first time,

When,

Mr. Chamberlain moved that said bill be rejected,

And before the question was had thereon the House adjourned.

2 o'clock, P. M.

The House met.

The Speaker laid before the House a communication from the Auditor of Public Accounts, in answer to a resolution of the House of the 12th instant.

Ordered, That 1000 copies thereof be printed.

Mr. Judah from the committee on revision, reported bills

No. 224, concerning vagrants,

No. 225, for the regulation of the State Prison,

No. 226, relative to limited partnerships,

No. 227, for the safe keeping of prisoners committed under the authority of the United States,

No. 228, defining and regulating privileges.

Which were severally read the first and second time, and committed to a committee of the whole House, and made the order of the day for Monday 29th inst.

The following message was received from the Senate by Mr. Test, their Secretary :

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have adopted the following resolution:

Resolved, That the Senate will (the House of Representatives concurring therein) proceed on Saturday next, at 10 o'clock, A. M., to the election of a director of the State Bank, to fill the vacancy of L. H. Scott, whose term of service will expire during the present session of the General Assembly,

Also, I am instructed by the Senate to inform the House of Representatives that the Senate has passed engrossed bills thereof, entitled

No. 41, an act declaring certain county roads therein named State roads,

No. 90, an act to improve the breed of horses and sheep,

No. 128, an act for the protection of bridges,

In which the concurrence of the House is respectfully requested.

Also, they have passed an engrossed bill of the House No. 26, entitled an act for the relief of John B. McDowell without amendment.

On motion,

The House concurred in the resolution of the Senate for going into the election of a director of the State Bank, on Saturday next at 10 o'clock.

Ordered, That the Senate be informed thereof.

Bills No. 41, and 128, named in the message,

Were severally read the first and second time, and referred to the committee on roads.

Bill No. 90, named in the message,

Was read the first and second time,

And committed to a committee of the whole House,

And made the order of the day for to-morrow.

The following message was received from the Senate by Mr. Test their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have refused to concur in the amendment of the House

to elect the members of the Board of Internal Improvement by joint ballot of the Senate, and House of Representatives, proposed to the engrossed bill of the Senate, entitled

No. 80, an act to prescribe the mode of electing Commissioners of the Board of Internal Improvement.

On motion,

The House insist on their amendment to the bill of the Senate No. 80, named in the message.

Ordered, That the Senate be informed thereof.

The House then proceeded to consider the Orders of the Day,
Bills of the House,

No. 114, to incorporate the South Bend and Warsaw Canal Company,

Was read the second time and referred to a select committee of Messrs. Henrick, Chamberlain and Herriman.

No. 91, providing for the safety of stage passengers,

Was read the second time and referred to the committee on the judiciary.

No. 96, to change the names of the towns of St. Joseph's Iron Works and Indiana City, in St. Joseph County to that of Mishawaka-

Was read the second time and referred to a select committee of Messrs. Henricks, McClure and Hamel.

No. 92. To incorporate the Paoli Savings Institution.

Was read the second time,

And referred to the committee on Corporations.

No. 93. To legalize the election and official acts of judge of Probate in Lake county.

No. 95. For the relief of John B. Walker.

No. 97. To change the name of Calvin C. Marsh.

No. 100. To legalize the acts of Thomas Bowman.

No. 103. Establishing temporarily the Court House in the county of Lake, and for other purposes.

No. 109. A joint resolution on the subject of a Western Armory.

No. 111. To provide for a justice of the peace in the town of Harts-ville, Bartholomew county.

Were severally read the second time,

And ordered to a third reading on to-morrow.

No. 94. Declaring certain county roads, in Hancock county, State roads.

No. 117. To locate a State road from Harrisburg, in Fayette county, to Dublin in Wayne county.

And bill of the Senate

No. 53. To establish a State road from Logansport to Augusta, the county seat of Noble county.

Were severally read the second time, and referred to the committee on roads.

No. 98. To amend an act for the formation of the county of Brown, approved Feb. 4, 1836.

Was read the second and third time and passed.

Ordered, That the Senate be informed thereof, and their concurrence therein requested.

No. 103. To locate a State road from Portland in Hancock county, to Andersontown in Madison county;

Was read the second time, and referred to the same select committee to which petitions on that subject were referred.

No. 108. To authorize the erection of a dam across the Wabash river.

Was read the second time, and referred to the committee on Canals and Internal Improvements.

No. 110. To provide for McAdamizing the Michigan road between Napoleon and South Bend.

Was read the second time, and laid upon the table.

No. 112. To fill a vacancy in a commission therein named.

Was read the second time, and referred to a select committee of Messrs. Hamel, McClure and Henricks.

No. 113. To provide for the improvement of the navigation of the Big St. Joseph river.

Was read the second time, and referred to the committee on Canals and Internal Improvements.

No. 115. Amendatory to an act entitled 'an act relative to Crime and Punishment, approved Feb. 10, 1831.

Was read the second time, and referred to the committee on Revision.

No. 148. In relation to connecting with the Alton rail road in Illinois,

Was read the second time.

When Mr. Stapp moved an amendment to the first section of the bill.

Mr. Hanna moved that it be laid upon the table.

And the ayes and noes being requested thereon by Messrs. Dowling and Wines of V.

Those who voted in the affirmative were:

Messrs. Arnold	Hocker	Paboby
Bennett	Howell	Proffit
Blair	Hubbard	Reeve,
Boon	Hurst	Richey
Carr	Huston	Robbins
Cotton of S.	Jackson	Roe,
Crume	Kenton	Sims
Cunningham	Leviston,	Smith of W.
Ferguson	Macy	Tannehill
Ferris,	Major	Thompson of F.
Gaddis	Matlock	Vandever
Garrigus	Miller	Walpole
Glenn,	Milroy	Watson
Gregory	Morrison	Williams of L.
Hanna	Nickel	Williams of R.
Haymond	Noble,	Williams of W. &
Henley	Noel	Zenor—53.
Herriman	Osborn	

Those who voted in the negative were:

Messrs. Berry	Haddon	Peaslee
Boyd	Hamel	Perine
Bryce	Hawkins	Porter
Brown	Helmer	Pucket
Burns	Hood	Ristine
Carleton	Judah	Smydth of C.
Chamberlain	Lane	Stapp
Champer	Lee	Thompson of A.
Cox	McClure	Whitman
Davis	McCrillus	Wines of V.
Dowling	Monroe	Wyman and
Eldridge	Murphey	Mr. Speaker—39.
Graham	Owen	

So said bill was laid upon the table.

No. 118. For the divorce of John Duvall and Nancy Duvall.

Was read the second time,

When Mr. Howell moved that said bill be indefinitely postponed.

And the ayes and noes being requested thereon by Messrs. Howard and Haymond.

Those who voted in the affirmative, were

Messrs. Bryce	Helmer	Owen
Brown	Henley,	Pabody,
Carr	Hood	Perine
Chamberlain	Howell	Porter
Champer	Leviston	Sims
Cotton of S.	Macy	Smydth of C.
Gaddis	McCrillus.	Wines of G. & W.
Glenn	Noel	Mr. Speaker—25.
Haymond		

Those who voted in the negative, were

Messrs. Bennett	Hanna	Nickel
Berry	Hawkins	Osborn
Blair	Henricks	Peaslee
Boon	Herriman	Reeve
Boyd	Hocker	Richey
Burns	Hubbard	Ristine
Carleton	Hurst	Robbins
Cox	Huston	Roe
Crume	Jackson	Stapp
Cunningham	Kenton	Tannehill
Davis	Lane	Thompson of A.
Dowling	Lee	Thompson of F.
Eldridge	Major	Vance
Ferguson	Matlock	Watson
Ferris	McClure	Whitman
Garrigus	Miller	Williams of R.
Graham	Milroy	Williams of W.
Gregory	Monroe	Wines of V.
Haddon	Morrison	Wyman and
Hamel	Murphey	Zenor—60.

So said bill was not indefinitely postponed.

When said bill was considered as engrossed and read the third time and passed.

Ordered, That the clerk inform the Senate and ask their concurrence therein.

Mr. Hurst from the committee on the judiciary, to which was referred so much of the message of the Governor as relates to Escheats, reported a Bill No. 229, to appoint Escheators and defining their duties,

Which was read the first and second time and referred to a committee of the whole House and made the order of the day for to-morrow.

On motion of Mr. Miller,

Resolved, That the committee of Ways and Means be instructed to enquire into the expediency of authorizing by law, the Secretary of State to forward one hundred copies of the Revised Laws of the present session of the General Assembly to each of the counties of this State, in addition to the number of copies now required by law, to be sold by the several Clerks of the circuit courts at such prices as the secretary of State may direct.

Mr. Robbins obtained leave of absence for to-morrow.

Mr. Bryce from the committee on the judiciary to whom was referred the petition of John Bennett reported a bill No. 230, for the relief of John Bennett,

Which was read the first time and passed to a second reading on to-morrow.

Mr. Graham from the joint committee on enrolled bills made the following report:

MR. SPEAKER:

The joint committee on enrolled bills report that they did this day compare the enrolled with the engrossed bills of the House,

No. 12. "An act to vacate part of Solomon Romig's addition to the town of Lafayette."

No. 38. "An act to incorporate the Marion Fire Engine Company."

No. 107. "An act to authorize certain commissioners therein named to locate a permanent seat of justice for the county of Wells."

Also, an engrossed bill of the Senate,

No. 21. "An act relative to changing the mode of electing a commissioner of the three per cent. fund in the county of Daviess,"

And find the same truly enrolled,

Whereupon the Speaker signed the same.

Ordered, That the clerk carry them to the Senate for the signature of their President.

And then the House adjourned until to-morrow morning 9 o'clock.

SATURDAY MORNING, JAN. 20, 1838.

The House met pursuant to adjournment.

The Speaker laid before the House the following communication from the Treasurer of State;

Which was read and referred to the committee of Ways and Means.

TREASURER'S OFFICE, }
Indianapolis, 19th January, 1838. }

Hon. THOS. J. EVANS,

Speaker of the House of Representatives:

SIR: By a joint resolution of the General Assembly of January 21st, 1837, it is made the duty of the Treasurer of State to "make use of all necessary and lawful means to become correctly informed with regard to the amount and condition of the three per cent. fund accruing on sales of land within the limits of Indiana, and within the Cincinnati Land District; and report the same to the Legislature in his annual report next ensuing.

The undersigned having inadvertently omitted to embrace this matter in his annual report, now submits the following statement in reference to that subject.

Shortly after the adjournment of the Legislature at their last session, the undersigned addressed a letter to the Secretary of the Treasury, calling his attention to the subject, and pressing an early adjustment of the matter, with the further request that an adjusted statement of the entire accumulation of 3 per cent. fund from the sales of the public lands in Indiana, including that portion embraced in the Cincinnati District, should be made and forwarded to this office.

In answer the Secretary of the Treasury informs, that the communication had been received and referred to the Commissioner of the General Land Office, and should be attended to, soon as the great press of business in that office would permit.

No other communication or information on that subject has been received at this office.

It is proper to remark also; that this matter has been annually suggested by the undersigned to the Treasury Department at Washington, and its adjustment earnestly solicited.

I am advised that like application were made by my predecessor.

Very respectfully

Your obd't. servant,

N. B. PALMER,

Treasurer of State.

On motion of Mr. Stapp,

Resolved, That the Board of Internal Improvement be requested to furnish to this House, the cost per mile of a double track superstructure made with the flat iron rail, such as is usually used with horse power; as

also the difference in the costs of transportation on rail roads and Mc-Adamized turnpike roads.

Mr. Davis presented the petition of sundry citizens of the counties of Daviess and Martin, for a State road from Orleans in Orange county to Carlisle in Sullivan county.

Which was read and referred to a select committee of Messrs. Davis, Vandever and Boyd.

Mr. Champer presented the petition of sundry citizens of the county of Owen, for the change of the name of the town of Middletown to that of Wadeville.

Which was referred to a select committee of Messrs. Champer, Sims and Berry.

Mr. Ristine presented the petition of Benjamin Cox, and others for a state road from Jamestown in Boone county to Lafayette in Tippecanoe county.

Which was referred to a select committee of Messrs. Ristine, Lane and Bryce.

Mr. Vandever from the select committee to which was referred bill of the Senate No. 9, to incorporate the West Delphi Bridge Company reported the same back to the House with an amendment,

Which was concurred in by the House, and the bill read the third time and passed.

Ordered, That the Clerk inform the Senate and ask their concurrence in amendment made by the House.

Mr. Howell presented the petition of Frederick Conner and others, for the building of a bridge therein named,

Which was referred to the select committee of Messrs. Howell, Mc Crillus and Cotton of P.

Mr. Chamberlain presented the petition of John F. Smith and others for a state road therein named,

Which was referred to a select committee of Messrs. Chamberlain Howell and Perine.

Mr. Hocker presented the petition of James T. Marsh and others, for a change in the Greenfield and Lebanon State road.

Also, the remonstrance of Thomas Harmonson and others, against such change.

Which were referred to a select committee of Messrs. Hocker, Major and Bryce.

Mr. Porter from the select committee to which was referred the petition of A. Don Carlos and others, reported a bill No. 231, authorizing the election of an additional justice of the peace in Clinton township, in Vermillion county.

Which was read the first and second time and ordered to a third reading on Monday next.

Mr. Walpole gave notice that he would on Monday next, move the House to rescind the rule of this House in reference to the time of introducing bills.

The House then resumed the consideration of bill No. — to rescind a joint resolution.

The motion pending on the rejection of said bill,

And the ayes and noes being requested thereon by Messrs. Chamberlain and Thompson of A.

Those who voted in the affirmative were

Messrs. Berry,	Helmer,	Puckett,
Boyd,	Henricks,	Ristine,
Brice,	Herriman,	Smydth of C.
Carleton	Howell,	Stapp,
Chamberlain,	Hood,	Tannehill,
Champer	Hubbard,	Thompson of A.
Crume,	Lee,	Thompson of F.
Cunningham	Marshall,	Vance,
Davis,	Matlock,	Vandever,
Dowling,	M'Clure,	Watson,
Eldridge,	Milroy,	Whitman,
Gaddis	Monroe,	Williams of L.
Graham,	Morrison,	Williams of W.
Hamel,	Murphey,	Wines of G. and W.
Hanna,	Orsborn,	Wines of V.
Hawkins,	Pabody,	Wyman and
Haymond,	Perine,	Mr. Speaker—50.

Those who voted in the negative, were

Messrs. Arnold,	Henley,	Noel,
Bennett,	Hocker,	Owen
Blair,	Hurst,	Peaslee,
Boon,	Jackson,	Porter,
Burns,	Judali	Proffitt,
Carr,	Kenton,	Reeve,
Cotton of S.,	Leviston,	Roe,
Ferguson	Macy,	Smith of W.
Ferris	Major,	Walpole,
Garrigus,	McCrillus,	Williams of R.
Glenn,	Miller,	Wilson and
Gregory,	Nickel,	Zenor—37
Haddon,		

So said bill was rejected.

The following message was received from the Senate by Mr. Test, their Secretary:

MR. SPEAKER:

The Senate have directed me to inform the House of Representatives that the Senate will, the House of Representatives concurring therein, proceed instantler to the election of a director of the State Bank of Indiana, to fill the vacancy of L. H. Scott, whose term of service will expire with the present session of the General Assembly.

The House then proceeded with closed doors to the election of Bank Director, Messrs, Haymond and Huff acting as tellers.

And on counting the first ballot, it appeared that

Lucius H. Scott received	65 votes.
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Scattering	26 "
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Lucius H. Scott having received a majority of all the votes given, was declared duly elected on the part of the House of Representatives, director of the State Bank of Indiana for the term of four years from and after the expiration of the present term.

Ordered, That the clerk inform the Senate by sealed communication.

The following sealed message was received from the Senate by Mr. Martin, their Assistant Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have elected Lucius H. Scott a Director of the State Bank of Indiana on the part of the Senate.

WM. H. MARTIN,
Ass. Sec. Sen.

Mr. Miller introduced a bill No. 232, to amend an act, entitled an act authorizing Richard M. Kirk to raise his mill dam three feet higher, approved Feb. 3, 1837.

Which was read the first time and passed to a second reading on Monday next.

Mr. Walpole introduced a bill No. 233, reducing the compensation of the clerk of the Board of Internal Improvement.

Which was read the first time,

When Mr. Proffit moved that said bill be rejected,
And before any decision was had thereon,
The House adjourned,

2 o'clock, P. M.

The House met.

And proceeded to consider the orders of the day.

Bills of the House,

No. 119, to locate a State road from Franklin in Wayne county to Windsor in Randolph county, thence to the town of Huntington on the Wabash and Erie Canal.

No. 161, declaring a certain county road in Jackson county a State road.

No. 180, to amend an act entitled an act to authorize the location of a State road from the mouth of Eel River in Green county to Bowling-green in Clay county.

Were severally read the second time and referred to the committee on roads.

No. 120, to change the Morgansford and Brandywine town State road.

No. 123, providing for the sale of certain school lands in the county of Sullivan.

No. 124, relating to acts of householders in the county of Lake.

No. 150¹, to amend an act entitled "an act to appropriate part of the three per cent. fund in the county of Orange.

No. 152, for the formation of the county of Windsor.

No. 153, for the relief of Campbell Dole.

No. 157, relating to the town of Vernon.

No. 159, to authorize the election of an additional justice of the peace in Hancock county.

No. 160, to locate a state road from the west line of Hancock county to New Castle in Henry county.

No. 172, to incorporate the Wabash Hotel Company.

No. 192, for the relief of Derbin Law.

Were severally read the second time and ordered to a third reading on Monday next.

No. 125, to incorporate the Jeffersonville Savings Institution.

No. 158, to incorporate the Harrison and Napoleon Turnpike Company.

Were severally read the second time and referred to the committee on Corporations.

No. 128, for the appointment of agents.

Was read the second time and committed to a committee of the whole House and made the order of the day for Monday next.

No. 130, to amend an act approved February 6, 1837, to amend an act entitled an act to provide for an equitable mode of levying the taxes of this State, approved Feb. 8. 1837.

No. 183, to define the counties of Wabash, Miami and Fulton, and including in each, territory not heretofore attached to any county.

No. 133, to amend an act entitled "an act to provide for the distribution of so much of the Surplus Revenue of the United States as the State of Indiana may be entitled to and receive by virtue of an act of Congress, approved June 23rd, 1836.

Were severally read the second time and laid upon the table.

Bills of the Senate.

No. 31, to amend the 42nd section of an act entitled an act relating to State roads, approved Feb. 6, 1837.

Was read the second time and referred to the committee on Roads.

No. 56, to enable the school commissioner of Ripley county to do certain acts.

No. 49, to legalize the sale of the school section of congressional township No. 3, north of range No. 8, east, in Scott county.

Were read the second time and ordered to a third reading on Monday next.

No. 26, to incorporate the Marion and Mississinawa Bridge Company, was read the second time and referred to the committee on Corporations.

No. 51, to authorize the Treasurer of Dearborn county to pay over certain road tax in his hands, was read the second time and referred to a select committee of Messrs. Glenn, Ferris, Arnold and Jackson.

No. 112, a joint resolution for the benefit of the collector of Clark county, for the year 1837, was read the second time and referred to the committee on claims.

No. 91, a memorial and joint resolution relative to the public lands in the State of Indiana, was read the second time.

When it was moved that the rule be suspended and the joint resolution read the third time now.

And the ayes and noes being requested thereon by Messrs. Crume and Eldridge.

Those who voted in the affirmative, were

Messrs. Arnold	Henricks	Porter
Bennett	Herriman	Puckett
Berry	Hocker	Ristine
Blair	Hubbard	Smith of W.
Boon	Huston	Smydth of C.
Boyd	Judah	Stapp
Bryce	Kenton	Tannehill
Carleton	Lee	Thompson of F.
Carr	Leviston	Vance
Champer	Macy	Vandever
Cotton of S.	Major	Walpole
Cox	Marshall	Watson
Crume	Matlock	Whitman,
Cunningham	Miller	Williams of L.
Davis	Milroy	Williams of R.
Ferguson	Murphey	Williams of W.
Gaddis	Nickel	Wines of G. & W
Hanna	Osborn	Wines of V.
Hawkins,	Owen	Wyman and
Haymond	Pabody	Mr. Speaker—62.
Helmer,		

Those who voted in the negative were,

Messrs. Burns	Henley	Peaslee
Chamberlain	Hood	Perine
Dowling	Howell	Proffit
Eldridge	Huff,	Reeve
Ferris	Jackson	Roe
Garrigus	Monroe	Wilson and
Gregory	Noel	Zenor—22.
Haddon		

So the rule was suspended and the joint resolution read the third time.

When Mr. Perine moved that it be referred to a select committee with the following instructions:

Insert in the proper place, "except so much thereof as may be set apart for purposes of Education, either by the Indians or the Govern-

ment, or occupied by actual settlers, who have made valuable improvements thereon.

Mr. Hood Moved to amend the instructions as follows;

“Strike out all after the word education” and insert “or for any other purpose, either by act of Congress, or by order of the President.”

A division of the question being called for,

The House refused to commit, when

Mr. Hood moved,

That the joint resolution be laid upon the table,

Which was decided in the negative;

And on the question shall the joint resolution pass,

And the ayes and noes being requested thereon by Messrs. Osborn and Hood.

Those who voted in the affirmative were:

Messrs. Arnold	Helmer	Pucket
Bennett	Henricks,	Reeve
Berry	Herriman	Ristine
Blair	Hocker	Roe
Boon	Hubbard	Smith of W.
Boyd	Huff	Smydth of C.
Bryce	Huston	Stapp
Carleton	Judah	Tannehill
Carr	Kenton	Thompson of A.
Chamberlain	Lee	Thompson of F.
Champer	Leviston	Vance
Cox	Marshall	Vandever
Crume	Matlock	Walpole
Cuninghame	M'Clure	Watson
Davis	Milroy	Whitman
Dowling	Morrison	Williams of L.
Ferguson	Murphey	Williams of R.
Ferris	Nickel	Williams of W.
Gaddis	Osborn	Wines of G. & W.
Graham	Pabody	Wines of V.
Hamel	Peaslee	Wyman and
Hanna	Porter	Mr. Speaker—67.
Haymond		

Those who voted in the negative, were

Messrs. Burns	Haddon	Noel
Cotton of S.	Hood	Perine
Eldridge	Howell	Proffit
Garrigus	Jackson	Wilson and
Glenn	Monroe	Zenor—16.
Gregory		

So said joint Resolution passed.

Ordered, That the Senate be informed thereof.

Bills of the House,

No. 121. A joint resolution relative to taxing the public lands,

Was read the second and third time,

And on the question, shall the joint resolution pass;

And the ayes and noes being requested thereon by Messrs. Hood and M'Clure

Those who voted in the affirmative, were

Messrs. Arnoid	Helmer	Perine
Bennett	Henley	Reeve
Blair	Henricks	Restine
Boon	Herriman	Roe
Boyd	Hocker	Smith of W.
Bryce	Hubbard	Smydth of C.
Carleton	Hurst	Stapp
Carr	Huston	Tannehill
Champer	Judah	Thompson of F.
Cotton of S.	Kenton	Vance
Cox	Leviston	Vandever
Crume	Major	Watson
Cunningham	Marshall	Whitman
Davis	Matlock	Williams of L.
Ferguson	Miller	Williams of R.
Ferris	Milroy	Williams of W.
Gaddis	Monroe,	Wilson
Garrigus	Morrison	Wines of V.
Glenn	Murphey	Wyman
Graham	Nickel	Zenor and
Hanna	Osborn	Mr. Speaker—65.
Haymond	Peaslee	

Those who voted in the negative, were

Messrs. Perry	Hawkins	Noel
Burns	Hood	Owen
Chamberlain	Howell	Pabody
Dowling	Jackson	Porter
Eldridge	Lee	Pucket
Gregory	Macy	Walpole and
Haddon	McClure	Wines of G & W 21

So said joint resolution passed.

Ordered, That the clerk inform the Senate and ask their concurrence therein.

No. 122. Relative to the County Library of Sullivan county.

No. 126. To authorize an additional justice of the peace in Brown Township, Montgomery county.

No. 131. To provide for the improvement of the Wabash River.

No. 151. Changing the name of Edinburg in Franklin county.

No. 154. Authorizing Lewis Jones and others to sell lot No. 67, in the town of Washington in Daviess county, and for other purposes.

No. 155. To change the name of the town of Carthage in Harrison county.

No. 169, A joint resolution relative to the refuse lands on the Wabash River.

No. 177, To legalize the proceedings of the board of justices in the county of Decatur.

No. 181, To provide for a justice of the peace in Maysville, Daviess county.

No. 184, Declaring Turman's Creek a public highway.

No. 191, For the relief of John Matthews,

Were severally read the second and third time and passed.

Ordered, That the clerk inform the Senate, and ask their concurrence therein.

Mr. Judah from the committee on Revision, reported a bill

No. 234. To reduce into one act the several acts for the assessment and collection of the revenue.

Which was twice read, and committed to a committee of the whole House, and made the order of the day for Monday the 29th inst.

Ordered, That 300 copies be printed.

Mr. Perine introduced a bill

No. 235, to locate a State road from Mishawaka to Syracuse.

Which was twice read and referred to the committee on Roads.

Mr. Burns introduced a bill

No. 236, relating to the office of school commissioner in certain counties.

Which was read the first time and passed to a second reading on Monday next.

Mr. Monroe from the select committee to which was referred a bill of the Senate No. 104, to locate a State road from Salem in Washington county, to Charleston in Clark county, reported the same back with an amendment.

Which was concurred in by the House, and the bill ordered to a third reading on Monday next.

Mr. Hubbard from the select committee to which was referred a bill No. 21, regulating the compensation of jurors and witnesses, reported the same back with an amendment.

Which was concurred in by the House, and the bill ordered to a third reading on Monday next.

Mr. Williams of W. made the following report:

MR. SPEAKER.

The select committee to which was referred the petition of Pleasant Johnson and others, citizens of Wayne and Fayette counties, praying a change in the boundaries of said counties, have had the same under consideration, and directed me to report that it is inexpedient to legislate thereon at this time.

On motion, the House concurred in said report.

Mr. Chamberlain from the select committee to which was referred a petition for a State road, reported a bill

No. 237, for the location of a State road from Goshen to Elkhart, in Elkhart county.

Which was twice read and referred to the committee on Roads.

On motion of Mr. Hubbard,

Resolved, That when this House adjourn, it will stand adjourned until Tuesday morning next, at 9 o'clock.

On motion of Mr. Crume,

Resolved, That the Board of Internal Improvement be requested to report to this House the probable amount of water power created by the construction of the canals of this State, so far as the same are finished or under contract, and also the probable revenue which may be derived therefrom; together with their views as to the best means of bringing the water power into use; and the means necessary to be adopted to secure the interest of the State in respect to the water power generally.

Mr. Graham from the joint committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The joint committee on Enrolled Bills report that they did this day compare the enrolled with the engrossed bills of the Senate.

No. 37. An act to provide for the collection of a part of the revenue of Laporte county, and for other purposes.

No. 63. An act to legalize the sale of school lands in the county of Floyd

No. 67. An act to appropriate a certain portion of the three per cent. fund belonging to Cass county.

Also of the House,

No. 64. An act to amend an act to provide for a general system of internal improvement.

Also, bills of the Senate

No. 130. An act to authorize the Laporte circuit court to hold a special session.

No. 80. An act to prescribe the mode of electing commissioners of the Board of Internal Improvement.

And have found the same truly enrolled.

Whereupon the Speaker signed the same.

Ordered that the clerk carry them to the Senate for the signature of their President.

Mr. Graham from the joint committee on enrolled bills made the following report:

Mr. SPEAKER:

The joint committee on enrolled bills report, that they did this day present to His Excellency the Governor for his approval and signature, the following bills of the House:

No. 107, an act to authorize certain commissioners therein named to locate a permanent seat of justice for the county of Wells.

No. 13, an act authorizing a change of venue in certain cases therein named.

No. 78, an act for the relief of Samuel Ward.

No. 38, an act to incorporate the Marion Fire Engine Company.

No. 12, an act to vacate part of Solomon Romig's addition to the town of Lafayette.

No. 21, an act relative to changing the mode of electing a commissioner of the three per cent. fund in the county of Daviess.

And then the House adjourned until Tuesday morning 9 o'clock.

TUESDAY MORNING, Jan. 23, 1838.

The House met pursuant to adjournment.

Mr. Hurst introduced a bill No. 238, to amend an act to incorporate the town of Jeffersonville in Clark county,

Which was read the first time and passed to a second reading on tomorrow.

Mr. Hamel presented the petition of Thomas J. Field and others, for an appropriation to build a bridge across the Calumet river.

Which was referred to the committee on roads,

Mr. Williams of R., presented the petition of Cornelius Morrison and others for a state road therein named.

Which was referred to a select committee of Messrs. Williams of R, Reeve, Boon, Osborn and Haymond.

Mr. Smydth of C., presented the remonstrance of sundry citizens of Clay county against a change in the mode of doing county business in said county,

Which was referred to the committee on revision.

Mr. Watson presented the petition of sundry citizens of the counties of Tippecanoe, Warren and Fountain for a State road therein named,

Which was referred to the committee on roads.

Mr. Hamel presented the remonstrance of sundry citizens of Porter county, against a grant to citizens of any other county to build a Bridge over the Calumet river in said county.

Which was referred to the same select committee to which petitions on that subject were referred.

Mr. Watson presented the petition of Paris Mendinhall and others, for a change in the Lafayette and Attica State road,

Which was referred to the committee on roads.

Mr. Gregory presented the petition of Thomas O'Neill and others, for attaching part of the county of Jasper to the county of Warren.

Also the petition of Nathan Koons and others for the formation of a New county,

Which was referred to a select committee of Messrs. Gregory, Watson, Carleton, Huff, Restine and Milroy.

And then the House adjourned until 2 o'clock P. M.

2 o'clock, P. M.

The House met.

Mr. Graham from the joint committee on enrolled bills made the following report:

MR. SPEAKER:—

The joint committee on enrolled bills report, that they did this day compare the enrolled with the engrossed bills of the House

No. 26, an act for the relief of John B. McDowell.

No. 162, a memorial and joint resolution on the subject of the National Road.

No. 73, (Of the Senate) "an act to amend an act entitled an act to establish and relocate certain State roads therein named, and for other purposes, approved February 3d, 1837."

And find the same truly enrolled.

Whereupon the Speaker signed the same.

Ordered, That the clerk carry them to the Senate for the signature of their President.

When Mr. Roe moved that the House adjourn until to-morrow morning 9 o'clock for the purpose of giving the use of the Hall to the Whig Convention.

And the ayes and noes being requested thereon by Messrs. Garrigus and Watson.

Those who voted in the affirmative were:

Messrs. Arnold	Hocker	Proffit
Bennett	Hood	Richey
Blair	Howell	Ristine
Bryce	Hurst	Robbins
Carleton	Huston	Roe
Carr	Kenton	Shook
Chamberlain	Lane	Smydth of C.
Cotton of S.	Lee	Stapp
Cox	Leviston	Tannehill
Crume,	Major	Thompson of A.
Cunningham	Marshall	Thompson of F.
Davis	M'Crillus	Vance
Dowling	Miller	Vandeveer
Eldridge	Milroy	Walpole
Gaddis	Monroe	Whitman
Graham	Morrison	Williams of L.

Gregory
Haddon
Hamel
Haymond
Henley
Henricks

Murphey
Noel
Osborn
Peaslee
Perine
Porter

Wilson
Wines of G. & W.
Wines of V.
Wyman
Zenor and
Mr. Speaker.—66.

Those who voted in the negative, were

Mesrs. Boon
Boyd
Burns
Ferguson

Garrigus
Glenn
Helmer
Jackson

Judah,
M'Clure
Watson—12

So the House adjourned until to-morrow morning 9 o'clock.

SATURDAY MORNING, Jan. 27th, 1838.

The House met pursuant to adjournment.

The following message was received from the Senate, by Mr. Test, their Secretary:

MR. SPEAKER:

I am instructed by the Senate to inform the House of Representatives that the Senate has passed an engrossed bill of the House No. 243, an act to provide for the payment of clerks employed by the revising and investigating committees during the present session of the General Assembly and for other purposes, with amendments.

In which the concurrence of the House is respectfully requested.

The first amendment of the Senate striking out \$3 and inserting \$1 25

Was concurred in with an amendment by inserting \$2, instead of \$1 25, as the allowance to witnesses.

The second amendment by the Senate striking out "12," and insert-

ing "5," as the mileage to witnesses before the Investigating Bank Committee.

On motion that the House disagree to said amendment.

And the ayes and noes being requested thereon by Messrs. Burns and Proffit.

Those who voted in the affirmative, were

Messrs. Arnold,	Haymond,	Puckett,
Bennett,	Helmer,	Reeve,
Berry,	Henley	Richey,
Boyd,	Henricks,	Ristine,
Bryce,	Herriman,	Sims,
Brown,	Hood,	Smith of W.,
Carleton,	Howell,	Smydth of C.,
Carr,	Hubbard,	Stapp,
Chamberlain,	Huff	Thompson of A.,
Champer	Judah,	Thompson of F.,
Cotton of P.,	Kenton,	Vance,
Cotton of S.,	Lane,	Vandever,
Crume	Macy	Watson,
Cunningham,	McCrillus,	Whitman
Dowling,	Miller,	Williams of L.,
Eldridge	Murphey,	Williams of W.,
Ferris,	Owen,	Wilson,
Glenn,	Peaslee,	Wines of V.,
Haddon,	Perine,	Zenor and
Hanna,	Porter,	Mr. Speaker—63.
Hawkins,	Proffit	

Those who voted in the negative, were

Messrs. Blair,	Hocker,	Nickel
Burns,	Hurst,	Noble
Davis,	Jackson,	Noel,
Ferguson,	Lee,	Osborn,
Gaddis,	Leviston,	Pabody,
Garrigus,	Marshall,	Roe
Graham,	Matlock	Walpole, and
Gregory,	Milroy,	Wines of G. & W.
Hamel,		25.

So the House disagreed to said amendment.

Ordered, That the Senate be informed thereof.

The Speaker laid before the House a communication from Stacy and Williams on the subject of binding the Revised Laws,

Which was referred to a select committee of Messrs. Walpole, Crume, Hawkins, Bryce, Jones and Howell.

The Speaker laid before the House a communication from Coffin, with accompanying certificates asking an investigation into the acts of John G. Clendenin a member of the Board of Internal Improvement,

Which was referred to a select committee of Messrs. Thompson of A., Owen, Milroy, Crume, Marshall, Hawkins, Wines of V., Davis and Carleton.

Ordered, That said committee have power to send for persons and papers.

Mr. Noel moved the following instructions "and to enquire into the accounts of the Board generally so far as their own pay and contingent expenses are concerned,"

Which was decided in the negative.

Mr. Hurst presented the petition of William Lewis and others for the sale or rent of lot No. 20, in Jeffersonville and the application of the proceeds, to the support of schools in said Town,

Which was referred to a select committee of Messrs. Hurst, Ferguson and Henley.

Mr. Hocker presented the remonstrance of Noah Bucket and others against a change in the state road from Eagle Village to Lebanon,

Which was referred to the committee on roads.

Mr. Perline presented the petition of the Newton Nye and other heirs of John Nye deceased asking certain relief,

Which was referred to the committee on the judiciary.

Mr. Porter presented the certificate of the board of commissioners of Vermillion county, relative to certain claims of Dalzell Clark and Whitcomb, and of C. Clark & Co.,

Which was referred to a select committee of Messrs. Porter, Burns and Noel.

Mr. Perine presented the petition of Joseph Rippy and others for a state road in Kosciusko county,

Which was referred to the committee on roads.

Mr. Hanna presented the petition of the Marion Guards asking an act of incorporation,

Which was referred to the committee on corporations.

Mr. Perine presented the petition of John R. Blair and others for the charter of a manufacturing company at Warsaw,

Which was referred to the committee on corporations.

Mr. Crume made the following report:

MR. SPEAKER:

The committee of Ways and Means to whom was referred a bill No. 258, for the relief of the collector of Jay county, have had the subject matter of said bill under consideration, and have directed me to report the same back, without amendment,

When said bill was read the third time and passed.

Ordered, That the clerk inform the Senate and ask their concurrence therein.

Mr. Judah from the committee on the judiciary to which was referred a bill,

No. 71. Regulating damages on protested bills of exchange,

Reported the same back with amendments,

Which were concurred in and the bill ordered to a third reading on Monday next.

Mr. Stapp made the following report:

MR. SPEAKER:

The committee on Canals and Internal Improvements to which was referred so much of the Governor's message as refers to canals and internal improvements and sundry resolutions and petitions, connected with that subject, have had the same under their consideration and have instructed me to report a bill No. 275, for the protection of the canals, rail roads and M'adamized roads belonging to the State, the collection of tolls thereon, and for other purposes.

The committee has also, had under its consideration a bill No. 128, to authorize the erection of a mill dam across the Wabash River, and have ordered me to report the same to the House without amendment.

Bill No. 275 named in the report, was read the first and second time, and committed to a committee of the whole House, and made the order of the day for Monday next.

No. 108 named in the report, was ordered to a third reading on Monday next.

Mr. Carleton from the committee on Canals and Internal Improvements, to which was referred a bill No. 213 of the House, giving to the State of Illinois the right of way within this State, to connect the northern cross rail road in Illinois, with the Wabash and Erie Canal at Covington, reported the same back with amendments;

Which were concurred in.

Mr. Burns moved to amend said bill by striking out Covington and inserting Perrysville,

Which did not prevail.

And the bill was read the third time and passed.

Ordered, That the clerk inform the Senate, and ask their concurrence therein.

Mr. Henricks from the committee on Canals and Internal Improvements, to which was referred bill of the House No. 113, to provide for the improvement of the navigation of the Big St. Joseph river, reported the same back without amendment;

When said bill was ordered to a third reading on Monday next.

Mr. Hawkins from the committee on Canals and Internal Improvements, to which was referred a bill of the House No. 221, authorizing the location of the White Water Canal north of the National road, reported the same back with amendments.

Mr. Peaslee moved that the bill and amendments be laid upon the table,

Which was decided in the negative.

And before any further action thereon,

The House adjourned.

2 o'clock, P. M.

The House met,

Mr. Milroy introduced a bill

No. 276, to incorporate the mayor and common council of the town of Delphi.

Which was twice read and referred to the committee on corporations.

Mr. Walpole made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of John Kennedy and others, citizens of Tippecanoe county, and the petition of Geo. Winson and others, citizens of Marion county, praying a change of the character of the Madison and Lafayette rail road to that of a McAdamized turnpike, have, according to order, had the same under consideration, and a majority of said committee instruct me to report a bill in accordance with the prayer of the petitions,

No. 277, to change the character of the Madison and Lafayette road.

Which was read the first time, and passed to a second reading on to-morrow.

Mr. Herriman from the select committee to which was referred petitions on that subject, reported a bill

No. 279. To incorporate the Michigan and Indiana rail road company.

Which was twice read and referred to the committee on Corporations.

Mr. Hurst presented the petition of the Board of Directors of the Jeffersonville and New Albany Canal Company;

Which was referred to a select committee of Messrs. Hurst, Ferguson, Henley and Whitman.

Also, the petition of James Keigwin and others, asking a change in the character of that part of the Jeffersonville and Crawfordsville road road which lies between Jeffersonville and New Albany;

Which was referred to the same select committee.

Mr. Morrison made the following report:

MR. SPEAKER:

The committee on the Canal Fund, on the part of the House of Representatives, to which was referred a resolution of the House, in the following words, to wit:

Resolved, That the committee on the Canal Fund be authorized and empowered to send for persons and papers, if they deem it expedient so to do, to enable them fully to investigate the official conduct of the Canal Fund Commissioners, as well those in office, as those whose term of service has expired. First, as relates to the improper use of the public money; second, what account has been rendered of the exchange that may have come into their hands, obtained between eastern and western funds; third what amount they may have retained in these funds as pay; and whether they or any of them, have refunded to the State, the excess over two dollars per day they may have received as compensation since the explanatory act of the last session, limiting the pay of the Fund Commissioners to two dollars per day; and lastly, to enquire what members of the Board made sale of the State Bonds to the Cohens of Baltimore, by which the State is likely to lose a large sum, and make report of the result of their investigation to the House.

After giving the several matters contained in said resolution a patient examination, respectfully report:

That in reference to an improper use of the public money, your committee have carefully scrutinized the action of the Fund Commissioners

as well those whose term of service has expired as those now in office, and are of opinion that no use has been made of any public monies, which was not authorized by law, and that said Commissioners, have exhibited satisfactory vouchers for the disbursement of all monies which passed through their hands.

In answer to the inquiry of "what account has been rendered of the exchange that may have come into the hands of the said Commissioners in difference obtained between eastern and western funds?" Your committee discover that all premiums thus received have been scrupulously accounted for, and added to the original amount of the specific fund upon which they accrued.

On the third enquiry, relating to the retention of pay by the Fund commissioners, being the excess over two dollars per day, they may have received as compensation since the "explanatory" act of last session, limiting the pay of the Fund Commissioners to two dollars per day. The Commissioners inform your committee, that they have retained the whole amount claimed by them previous to the passage of the act of last session, being four dollars per day, on the ground that the act of 1834, creating a State Bank and providing that the Canal Fund Commissioners should negotiate the loans for said Bank, in addition to their original duties, and providing that they should receive the "same" compensation as they were by law allowed for their original duties under the Canal law, which was two dollars per day; and that they understand and think the Legislature intended that they should receive the additional sum of two dollars per day during the time of their additional labors imposed by the subsequent act; and they are also of the opinion that the "explanatory" law of last session only intended to direct future operations, rather than to explain any previous action.

The Fund Commissioners also inform your committee that the Board of Fund Commissioners as a whole made the negotiation for the sale of state bonds to the Messrs. Cohens of Baltimore, the conditions of said loan having been submitted to the consideration of said Board before the consumation of said negotiation, report see statement marked (C.) accompanying this.

Your committee herewith present as a part of this report a statement marked (A.) from Messrs. McCarty, Hanna and Coe who have been and are Fund Commissioners, explanatory of their views on the subject of pay; and ask to be discharged from the further consideration of the resolution.

(A.)

INDIANAPOLIS, }
January 27th, 1838. }

HON. C. C. GRAHAM,

Chairman of the Committee on the Canal Fund,

SIR: In relation to that part of the resolution of the House of Representatives, which relates to what amount the Canal Fund Commissioners have retained in their hands as pay, and whether they or any of them have refunded to the State the excess over two dollars per day, they have received as compensation. Since the passage of the explanatory act of the last session, limiting the pay to the Fund Commissioners to two dollars per day, I beg leave, as one of the late commissioners alluded to most respectfully to remark, that I have not understood the action of the last legislature on the subject as explanatory of any former act, but as reducing the daily compensation from that time to two dollars. Nor did I understand the legislature as objecting to the amount the said commissioners had retained as compensation. On the contrary at a previous session of the legislature the amount retained as wages, was fairly reported and no dissatisfaction, as I ever understood, was expressed by any member or any other person, and at the last legislature, a majority of the judiciary committee in the Senate, to whom the matter was submitted, decided that the commissioners were by law entitled to what the reported to have received (see Mr. Collin's, the Chairman's report, herewith enclosed marked B.) viz: \$2 per day for their services for the Wabash and Erie Canal, and \$2 per day for their services in performing the additional duties, assigned them of negotiating loans for the establishment of a State Bank, and the commissioners felt themselves justifiable by the laws under which they acted as well as by rigid and exact justice. Thus to charge and receive pay for their services, although the same days were employed in service for both and the operation amounted a large portion of the time to \$4 per day. A casual reader of the resolution who did not know that no disrespect was intended the Commissioners in case they had not refunded money, as there alluded to, might infer there was a censurable neglect on the part of said Commissioners, in withholding money that belonged to the State. I trust and believe the body of the legislature never intended, that such an opinion should be entertained. I am led to this belief from her justice to her other officers, that after an office had been created and the duties defined and compensation affixed, the performance of those duties singly entitled the officer to the compensation affixed and when the legislature has afterwards required of the same officers the performance of additional duty, they authorized additional compensation. I have not supposed it was the intention of the legislature to make a distinction between officers performing duties under annual salaries, and those under daily compensation, but as additional duties were required of them, the same liberal and even handed justice, would be extended as well in compensation as to their motives, and their official labors.

So long as they performed their duties faithfully and satisfactory to the body of the legislature and the people to whom they ever held and hold themselves accountable, a reference to the law creating the Board of Canal Fund Commissioners, will shew that they were required to enter into Bonds (which was fifty thousand dollars each) previous to entering on the duties of their station which, were to negotiate loans from time to time for the Wabash and Erie Canal, and the compensation was fixed at \$2 per day, and the expenses at which rate they continued to perform said duty.

By an act approved January 28, 1834, creating a State Bank, an additional duty was assigned to the Fund Commissioners of making large additional loans for that object, and they were required to enter into additional bonds with good security (which was fixed at fifty thousand dollars) previous to entering into a performance of the same, for which says the law, section 106, "said Commissioners shall receive the same per diem compensation for their services herein, as now allowed them, also their expenses to be adjusted by the directors of the State Bank."

The undersigned and he believes no member of the Board ever doubted, nor did he ever hear of any doubts been entertained in any quarter, until the last session of the Legislature, but what not only the law allowed but the Legislature intended an additional \$2 per day, for the additional duties required of them, and if nothing had been named in the law about further daily compensation, for the additional services the undersigned believes the Commissioners would have had a fair claim on the justice of the legislature, and that an application for such justice would not have been withheld. If the honorable committee or the legislature will refer former acts towards the officers of State, they will find on the assignment of additional duties, that justice has been meted as set forth by additional compensation.

The station of Canal Fund Commissioner, is highly responsible, and important to the State. Their duties are various and of a bargain making character, to perform them advantageously to the State, requires a respectable knowledge of business, and an extensive acquaintance with business and money men, a watchfulness to guard against the combinations of brokers proposing for the State, to prevent their obtaining it at less than its value, and an acquaintance with a sufficient number to become apprised when such a combination is likely to be attempted, and an influence to excite a competition to prevent it and obtain the best price the market and state of exchanges will admit. The duties of the officers of the State are pointed out, and their salary affixed, and with little exception their action can neither add nor diminish a dollar of money to the State. Unlike them the Fund, Commissioners, with equal honest intentions may in the negotiation of a single million of dollars add to the funds of the State forty, fifty or even sixty thousand dollars, or fail in a like sum of obtaining what the stock may be actually worth; all this difference may be made between the management of skilful and experience officers, and those of equal honesty and capacity who have not the experience and acquaintance necessary.

Those who suppose the interest of the State requires no further action of the Commissioners, in obtaining loans than barely a visit to the east and to advertize for proposals, very much mistake what the interest of the State requires. But such a course alone, with no further action by the Commissioners, would be very acceptable to brokers, who wish to obtain the stock, and of great ease and comfort to the Commissioners, the undersigned cannot suppose that the legislature ever intended to exact services from the Fund Commissioners, without treating them in the same liberal manner as has been their custom towards their other officers. As no money has been refunded to the State by the Commissioners, and as the resolution alluded to seems to contemplate their should be, the undersigned has no mode of conveying to the legislature his reason and motive of action in the matter, but through the indulgence of the honorable committee in embodying his views as here set forth and accompanying paper in their report and trust their liberal views on the subject will deem it but just and reasonable to do so.

Respectfully submitted,

NICHOLAS McCARTY.

The undersigned concur in the facts, and views above stated by Mr. McCarty.

SAMUEL HANNA.

ISAAC COE.

B.

Mr. Collins made the following report:

MR. PRESIDENT:

The committee on the Judiciary to which was referred a resolution of the Senate, directing them to enquire into the legality of the charges made by and allowed to the Canal Fund Commissioners; and further, to enquire what, if any, changes are necessary in the laws now in force on that subject, have had the same under consideration, and have instructed me to report:

That after examining the laws relating to the subject matter, they are of opinion, that the charges made by and allowed the Canal Fund Commissioners, were fully authorized by the law, and that the said Fund

Commissioners have committed no impropriety in making such charges, nor has there been anything done in the premises, so far as your committee have been able to learn, to which they can take any exceptions. Yet, as there is some uncertainty in the pay said commissioners are authorized to receive, owing to the irregular periods at which their services are required, by the different acts imposing duties upon them, your committee have instructed me to report the following bill, and ask to be discharged from the further consideration of the subject.

C.

INDIANAPOLIS,
JANUARY 26, 1838.

Hon. C. C. Graham,

Chairman of Committee C. F.

Sir: In reply to the enquiries made by your committee to the Fud Commissioners this morning, we beg leave to state for the information of the Legislature. That at the time the loan was made of the Messrs. J. J. Cohens, Jr. and Brothers of Baltimore, Jeremiah Sullivan, Samuel Hanna and Isaac Coe were the Commissioners, and had been some time at the East without being able to effect any loan on the terms authorized by law. That the proposals of the Cohens for taking the loan was accepted by Samuel Hanna and Isaac Coe in Washington City on the terms agreed upon by the whole Board a few days previous in New York. Immediately after which, two of the Commissioners returned home, leaving Dr. Coe to complete the Bonds by signing the dividend warrants, and after making enquiry as to the entire solvency of the Cohens, and the responsibility of the security which they should offer to consummate the contract. After a report of Dr. Coe to each of the other members of the Board of the precautions he had taken of consulting and advising with a number of the bankers and business men of Baltimore and New York, and their having entire confidence in the ability of both the principal and security for the amount of the loan, each member of the Board approved of the security taken.

SAMUEL HANNA,
ISAAC COE.

D.

With respect to the enquiry respecting the compensation received, the undersigned would respectfully suggest for himself, that he would not have accepted the office when offered him, for a less compensation than the four dollars a day and expenses while employed, which he understood was authorized by law, and had previously been paid, and had much hesitation in accepting, at what he then considered an adequate compensation for the duties required, and the responsibilities which must be incurred in a faithful discharge of the duties of the office, an opinion which subsequent experience has more than confirmed.

Very respectfully
Yours,

ISAAC COE.

Whereupon, the committee were discharged from the further consideration of the subject.

Mr. Wilson made the following report:

MR. SPEAKER:

The select committee to which was referred the petition of sundry citizens of Posey Township, Harrison county, praying an act of incorporation for a Steam Mill, Boat, Ship Yard and Manufacturing Company, have had that subject under consideration and have directed me to report:

A bill No. 290, to incorporate the Elizabeth Steam Mill, Boat, Ship Yard and Manufacturing Company;

Which was read the first and second times and referred to the committee on Corporations.

Mr. Wilson made the following report:

MR. SPEAKER:

The committee on Corporations to which was referred a bill No. 134, to incorporate the town of Indianapolis in Marion county, has instructed me to report said bill back to the House with sundry amendments.

Also, a bill No. 101, supplemental to an act entitled an act to incorporate the Jeffersonville Insurance Company, has instructed me to report said bill back with an amendment.

Strike out 6 before the words damages in the 2nd section and insert 12.

The amendments to bill No. 134, were concurred in.

And the bill ordered to a third reading on to-morrow.

The amendment to bill No. 104 was concurred in.

When said bill was read the third time and passed.

Ordered, That the clerk inform the Senate and ask their concurrence therein.

Mr. Crume from the select committee to which was referred a bill of the House No. 152, for the formation of the county of Windsor, reported the same back, with amendments.

Which were concurred in.

When said bill was read the third time and passed.

On motion, the title thereof was amended by striking out "Windsor" and inserting "Blackford."

Ordered, That the clerk inform the Senate and ask their concurrence therein.

Mr. Walpole made the following report:

MR. SPEAKER:

The select committee to whom was referred bill No 103 of the House of Representatives to locate a road from Portland, in Hancock county, to Andersontown, in Madison county, together with the petition of Robert McCorkhill and others on that subject, and the remonstrance of James P. Foley and others against the same, have had the same under consideration and instruct me to report the said bills back to the House of Representatives without amendment.

When said bill was referred to the committee on Roads.

Mr. Burns made the following report:

MR. SPEAKER:

The select committee to which was referred the petition of Dalzell Clark & Whitcomb and C. Clark & Company, report, that they have had that subject under their consideration, and have directed me to report the following bill:

No. 231. For the relief of Dalzell Clark & Whitcomb and C. Clark & Co.

Which was read the first and second time, and referred to the committee on Claims.

Mr. Hamel from the select committee to which was referred a bill No. 112, to fill a vacancy in a commission therein named, reported the same back with amendments.

Which were concurred in by the House, and the bill ordered to a third reading on Monday next.

Mr. Williams of R. from the select committee to which was referred the petition of David Thomas and others, reported a bill No. 282, to locate a State road through the county of Rush and part of the county of Franklin,

Which was twice read and referred to the committee on Roads.

Mr. Stapp made the following report:

MR. SPEAKER:

The select committee to which was referred the petition of Asa Brown has had the same under consideration, and have instructed me to report, a bill in accordance with the prayer of the petition.

No. 283. For the relief of Asa Brown.

Which was read three times,

And on the question shall said bill pass.

And the ayes and noes being requested thereon by Messrs. Garrigus and Bennett

Those who voted in the affirmative were:

Messrs. Berry	Howell	Reeve,
Blair	Huff	Richey
Boon	Hurst	Ristine
Bryce	Huston	Robbins
Carr	Judah	Sims
Chamberlain	Lane	Smydth of C.
Champer	Leviston,	Stapp
Cotton of P.	Macy	Tannehill
Cox	Major	Thompson of A.
Crume	Marshall	Thompson of F.
Dowling	Matlock	Vance
Eldridge	McClure	Vandever
Ferguson	Milroy	Walpole
Gregory	Monroe	Watson
Hamel	Morrison	Whitman
Hanna	Murphey	Williams of R.
Hawkins	Owen	Williams of W.
Haymond	Paboby	Wilson
Helmer	Peaslee	Wines of V.
Henricks	Perine	Wyman
Herriman	Porter	Zenor and
Hood	Proffit	Mr. Speaker,—65

Those who voted in the negative were:

Messrs. Arnold	Graham	Kenton
Bennett	Haddon	McCrillus
Boyd	Henley	Miller
Carleton	Hocker	Osborn
Cotton of S.	Hubbard	Roe,
Gaddis	Jackson	Smith of W. and
Garrigus	Jones	Williams of L—22.
Glenn,		

So said bill passed.

Ordered, That the clerk inform the Senate and ask their concurrence therein.

Mr. Hanna from the select committee to which was referred a bill of the Senate No. 45, authorizing the construction of a bridge over White river on the Michigan road, reported the same back without amendment.

When said bill was ordered to a third reading on Monday next.

Mr. Thompson of A. made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of H. Rudisill and others, praying a charter for a bridge company, have had the same under consideration, and have directed me to report the following bill:

No. 284. To incorporate the St. Joseph Bridge Company;

Which was read twice and referred to the committee on Corporations.

Mr. Hurst from the select committee to which was referred a bill of the House No. 52, to authorize the raising the sum of fifty thousand dollars by lottery, for graduating and paving the river bank and Water street, at the town of Jeffersonville, Clark county, Indiana, reported the same back with an amendment;

Which was concurred in, and the bill considered as engrossed and read the third time.

When Mr. Perine moved that said bill be indefinitely postponed.

And the ayes and noes being requested thereon by Messrs. Ferris and Perine,

Those who voted in the affirmative, were

Messrs. Arnold	Glenn	Osborn
Berry	Haddon	Owen
Boon	Hamel	Pabody,
Boyd	Helmer	Perine
Brown	Henricks	Porter
Carleton	Howell	Reeve
Carr	Hubbard	Robbins
Cotton of P.	Jackson	Sims
Cotton of S.	Lee	Whitman
Cunningham	Major	Williams of L.
Ferris	Matlock	Williams of W.
Gaddis	Miller	Wyman and
Garrigue	Murphey	Mr. Speaker—33.

Those who voted in the negative, were

Messrs. Bennett	Hocker	Peaslee
Blair	Hood	Proffit
Bryce	Hurst	Richey
Burns	Huston	Ristine
Champer	Jones	Roe
Crume	Judah	Smith of W.
Davis	Kenton	Smydth of C.
Dowling	Lane	Tannehill
Eldridge	Leviston	Thompson of A.
Ferguson	Macy	Thompson of F.
Gregory	Marshall	Vance
Hanna	Milroy	Vandever
Hawkins	Monroe	Walpole
Haymond	Morrison,	Watson and
Henley,	Nickel	Wines of V.—46.
Herriman		

So said bill was not indefinitely postponed.

When Mr. Whitman moved that the bill be referred to a select committee with instruction to add the following as an additional section,

“Be it further enacted, That Samuel G. Wilson, Henry W. Smith Isaac Durrell, B. S. Tuley, T. Stewart and Joseph Franklin be and are hereby authorized to act under the provision of this act, for the benefit of the town of New Albany and they are hereby authorized to do and transact all business that is authorized in this act for the use and benefit of the town of Jeffersonville for the use and benefit of New Albany,”

Which was decided in the negative;

And on the question shall the bill pass,

And the ayes and noes being requested thereon by Messrs. Hubbard and Garrigus.

Those who voted in the affirmative, were

Messrs. Burns	Hurst	Ristine
Crume	Judah	Roe
Cunningham	Kenton	Smydth of C.
Dowling	Lane	Tannehill
Eldridge	Leviston	Thompson of A.
Ferguson	Marshall	Vance
Gregory	Milroy	Vandever
Hanna	Monroe	Walpole
Hawkins,	Nickel	Watson and
Haymond	Peaslee	Wines of V.—32.
Herriman	Richey	

Those who voted in the negative were,

Messrs. Arnold	Helmer	Owen
Bennett	Henricks	Pabody
Berry	Hood	Perino
Boon	Howell	Porter
Boyd	Hubbard	Reeve
Brown	Jackson	Robbins
Carleton	Jones	Sims
Carr	Lee	Smith of W.,
Cotton of S.	Macy	Stapp
Ferris	Major	Vandever
Gaddis	Matlock	Whitman,
Garrigus	McClure	Williams of R.
Glenn	Miller	Williams of W.
Haddon	Murphey	Wyman and
Hamel	Osborn	Mr. Speaker—44.

So said bill was lost.

Mr. Hocker made the following report:

MR. SPEAKER:

The select committee to which was referred a bill of the Senate No. 58, to locate a state road in the county of Boon, together with a petition and remonstrance on the same subject, have directed me to report the same back without amendment,

When said bill was read the third time and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Graham from the joint committee on enrolled bills made the following report:

MR. SPEAKER:

The joint committee on enrolled bills report that they did this day present to his Excellency the Governor for his approval and signature, the following bills which originated in the House.

No. 162. A memorial and joint resolution on the subject of the National Road.

No. 194. An act legalizing the proceedings of the Board of Commissioners of Vanderburgh county.

No. 26. An act for the relief of John B. McDowell.

Also, bill of the Senate.

No. 73. An act to amend an act entitled "an act to establish and relocate certain state roads therein named and for other purposes," approved Feb. 3d, 1837.

And further report, That they have this day compared the enrolled with the engrossed bill of the House,

No. 57. An act for opening and repairing public roads and highways in the county of Hancock,

And find the same truly enrolled.

Whereupon the Speaker signed the same.

Ordered, That the clerk carry it to the Senate for the signature of their President.

The following message was received from the Governor by Mr. Maguire, his private secretary.

MR. SPEAKER:

His Excellency the Governor has approved and signed acts entitled as follows, viz:

No. 37, An act to provide for the collection of a part of the revenue of Laporte county, and for other purposes.

No. 63. An act to legalize the sale of school lands in the county of Floyd.

No. 64. An act to amend an act to provide for a general system of internal improvements.

No. 67. An act to appropriate a certain portion of the three per cent. fund belonging to Cass county.

No. 130. An act to authorize the Laporte circuit court to hold a special session.

And then the House adjourned until Monday morning 9 o'clock.

WEDNESDAY MORNING, JAN. 24, 1838.

The House met pursuant to adjournment.

The Speaker laid before the House a communication from the Board of Internal Improvement, in answer to a resolution of the House of the 16th instant;

Which was read and referred to the select committee to which was referred a petition for the change of the character of the Madison and Lafayette road.

Ordered, That 200 copies be printed,

The Speaker laid before the House a communication from the Board of Internal Improvement, in answer to a resolution of the 20th inst.

Which was referred to the same select committee, and 200 copies ordered to be printed.

Mr. Jones introduced a bill

No. 239. For the relief of Edward Hopkins,

Which was twice read and ordered to a third reading on to-morrow.

Mr. Lane introduced a bill

No. 240. Authorizing additional justices of the peace in Scott and Coal townships, in Montgomery county;

Which was read the first time, and passed to a second reading on to-morrow.

Mr. Thompson of A. introduced a bill

No. 241. To provide for the taking of depositions in certain cases therein named;

Which was twice read and referred to the committee on the Judiciary.

Mr. Crume introduced a bill

No. 242. To locate certain State roads.

Mr. Jones introduced a bill

No. 249. To amend an act entitled an act to amend the charter and define the powers and duties of the President and Trustees of the town of Evansville, approved Feb. 8, 1836.

Also a bill No. 250, for the relief of Henry Boyce.

Also, No. 251. To provide for keeping a register of births.

Mr. Noel introduced a bill

No. 253. To fix the pay of the Board of Public Works.

Which were severally read the first time, and passed to a second reading on to-morrow.

Mr. Crume introduced a bill

No. 243. To provide for the payment of clerks employed by the revising and investigating committees during the present session of the General Assembly, and for other purposes.

Which was read three several times and passed.

Ordered, That the clerk inform the Senate, and ask their concurrence therein.

Mr. Perine introduced a joint resolution

No. 247. For an examination and survey of the Kankakee river within this State:

Which was read the first time, and passed to a second reading on to-morrow,

Mr. Morrison introduced a bill

No. 256. Relative to the clerk's office in Marion county.

Which was read the first and second time, and ordered to a third reading on to-morrow.

Mr. Chamberlain introduced a joint resolution

No. 257. On the subject of the donation of the public lauds on the Erie and Michigan Canal;

Which was read three times and passed.

Ordered, That the clerk inform the Senate, and ask their concurrence therein.

Mr. Judah from the committee on revision, reported a bill

No. 255, concerning tenants holding over.

No. 254. Authorizing the appointment of constables and defining their duties,

Which were severally read the first and second time, and committee of the whole House and made the order of the day for to-morrow.

Mr. Noble presented the petition of H. M. Thompson and others for the re-location of a state road therein named.

Mr. Eldridge presented the petition of William Wilkinson and others for the re-location of a state road from Peru to the Michigan Road in Cass county.

Mr. Smydth of C. presented the petition of John Osborn and others for the vacation of certain state roads in Clay county.

Also, a remonstrance against such vacation.

Mr. McClure presented the petition of William C. Hanna and others for a certain road therein named to be declared a state road.

Mr. Herriman presented the petition of Peter Fair and others for a state road therein named.

Also, the petition of David Michael and others for a state road from Union Mills to the Liman and Fort Wayne road.

Also, the petition of Samuel Tuttle and others for a state road therein named.

Mr. Kenton presented the petition of Joshua Linsey and others for a road from West Bedford to the state line in the direction of Montgomery in Illinois.

Mr. Pucket presented the petition of Andrew Aker and others for a state road from Economy in Wayne county to the centre of Wells county.

Mr. Hanna presented the petition of H. B. Evans and others for the re-location of part of a state road therein named,

All of which were referred to the committee on roads.

Mr. Williams of R. presented the petition of John Jack and others for a change of the name of the town of Vienna in Rush county,

Which was referred to a select committee of Messrs. Williams of R., Reeve and Boon.

Mr. Haddon presented the remonstrance of William Curry and others against the change of a state road therein named,

Which was referred to the same select committee to which was referred petitions on that subject.

Mr. Hanna presented the petition of sundry citizens living on the

line of the Madisou and Lafayette road for a change in the character of said road,

Which was referred to the same select committee to which other petitions on the same subject were referred.

Mr. Herriman presented the petition of Peter L. Mason and others for the incorporation of a Rail Road Company,

Which was referred to the same select committee to which other petitions on the same subject were referred.

Mr. Smydth of C. presented the petition of sundry citizens of Clay county, for a change in the mode of doing county business,

Which was referred to the committee on revision.

Mr. Ferguson presented the petition of sundry citizens of Clark's Grant for a change in the Boundaries of certain school districts in said Grant,

Which was referred to a select committee of Messrs. Ferguson, Henley and Hurst.

Mr. Gregory presented the petition of James Cunningham and others for an amendment to the charter of the Williamsport Insurance company,

Which was referred to the committee on Revision.

Mr. Owen presented the petition of sundry citizens of Posey county, asking that Big Creek be declared a public highway,

Which was referred to a select committee of Messrs. Owen, Jones and Miller.

Mr. Judah from the committee on the Judiciary to whom was referred bill No. 204, reported the same back to the House with amendments.

Which were concurred in by the House and the bill read the third time and passed.

Ordered, That the clerk inform the Senate and ask their concurrence therein.

Mr. Vandever from the select committee to which was referred sundry petitions asking that Orleans be made a point on the Jeffersonville and Crawfordsville road, reported a bill No. 241, to amend an act entitled an act to provide for a General System of Internal Improvement, approved January 27, 1836.

Which was read the first time and passed to a second reading on tomorrow.

Mr. Davis from the select committee to which petitions on that subject were referred, reported a bill No. 245, declaring a State road from Owl Prairie in Davis county to Carlisle.

Which was read the first and second time and referred to the committee on Roads.

Mr. Blair from the select committee on that subject, reported a bill No. 246, declaring a certain part of a road in Ripley county a State road.

Which was read the first time and passed to a second reading on to-morrow.

Mr. Champer made the following report;

MR. SPEAKER:

The select committee to which was referred the petition of the citizens of Owen county in relation to changing the name of a certain town therein named, have had the same under consideration and directed me to report a bill No. 248, to change the name of a certain town therein named.

Which was read the first time and passed to a second reading on to-morrow.

Mr. Berry from the select committee on that subject reported a bill No. 252, for the relief of James Sutfin.

Which was twice read and ordered to a third reading on to-morrow.

Mr. McClure from the select committee to which was referred a bill of the House No. 40, providing for holding circuit courts in the ninth judicial circuit reported the same back to the House with amendments.

Which were concurred in and the bill ordered to a third reading on to-morrow.

Mr. Carleton from the select committee to which was referred a bill of the House No. 68, to amend an act entitled an act to give mechanics a lien upon buildings reported the same back with amendments.

When said bill and amendments were committed to a committee of the whole House, and made the order of the day for to-morrow.

The following message was received from the Senate by Mr. Test, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate has concurred in the amendments to the engrossed bills of the Senate, entitled:

No. 35, an act to locate a State road from Cambridge city to Fort Wayne.

No. 73, an act to amend an act entitled an act to establish and relocate certain state roads therein named, and for other purposes, approved Feb. 3, 1837.

The first with an amendment.

In which the concurrence of the House is respectfully requested.

Also, they have passed an engrossed bill of the House No. 194, entitled an act legalizing the proceedings of the Board of Commissioners of Vanderburgh county without amendment.

Also, they have passed an engrossed bill of the Senate, No. 84, entitled an act respecting apprentices.

In which the concurrence of the House is also respectfully requested.

The amendments to the bill No. 35, named in the message, were concurred in by the House.

Ordered, That the Senate be informed thereof.

No. 84, named in the message,

Was read the first time and passed to a second reading on to-morrow.

The following message was received from the Senate by Mr. Thompson of L., a member.

MR. SPEAKER:

I am instructed by the Senate to inform the House of Representatives that the Senate have adopted the following resolution, viz:

Resolved, That the Senate will (the House concurring therein) proceed to the election of three members of the Board of Public Works, to fill the vacancies occasioned by the expiration of the term of service of John G. Clendenin, Samuel Lewis, and John A. Graham, at 2 o'clock P. M. of this day.

And Messrs. Thompson of L. and Dunning are appointed tellers, on the part of the Senate.

On motion,

The House reciprocated the resolution of the Senate.

And appointed Messrs. Howell and Chamberlain, tellers on their part.

Ordered, That the Senate be informed thereof.

Mr. Milroy from the select committee to which was referred the petition of Jacob Markle and others, reported a bill No. 260, on the subject of leasing water power at the Delphi Dam.

Which was read the first and second time and ordered to a third reading on to-morrow.

Mr. Major made the following report:

MR. SPEAKER:

The select committee to which was referred the petition of Alfred and Obed Miller, praying for the vacation of the town of Grand View, in Clinton county, have had the same under consideration, and have directed me to report a bill No. 261, to vacate the town of Grand View, in Clinton county,

Which was read the first time and passed to a second reading on tomorrow.

Mr. Whitman from the select committee to which a resolution on that subject was referred, reported a bill No. 262, to prevent disasters on Steam Boats,

Which was twice read and committed to a committee of the whole House and made the order of the day for Wednesday the first of February,

Mr. Glenn made the following report:

MR. SPEAKER:

The select committee to which was referred so much of the Governor's Message, as relates to the appointment of Pilots at the Falls of the Ohio River; also two several petitions on the same subject, have had the same under consideration, and have directed me to report that in their opinion legislation on the subject is unnecessary, and ask to be discharged from the further consideration thereof.

On motion,

The committee was discharged and the report concurred in.

Mr. Eldridge introduced a bill No. 259, to authorize John B. Turner to sell lot No. 25, in the town of Logansport,

Which was twice read and referred to the committee on the judiciary.

Mr. Jones from the committee on education to which had been referred sundry resolutions, reported them back and asked to be discharged from the further consideration thereof,

On motion,

The committee was discharged, and the resolutions referred to the committee on revision.

Mr. Graham from the joint committee on enrolled bills made the following report:

MR. SPEAKER:

The joint committee on enrolled bills report, that they did this day compare the enrolled with the engrossed bills of the House

No. 194, an act legalizing the proceedings of the Board of Commissioners of Vanderburg county.

Whereupon the Speaker signed the same.

Ordered, That the clerk carry them to the Senate for the signature of their President.

Mr. Graham from the joint committee on enrolled bills made the following report:

MR. SPEAKER:

The joint committee on enrolled bills report that they did this day present to His Excellency the Governor, for his approval and signature, bills:

No. 63, (of the Senate) an act to legalize the sale of school lands in the county of Floyd.

No. 130, (of the Senate) an act to authorize the Laporte Circuit Court to hold a special session.

No. 37, (of the Senate) an act to provide for the collection of a part of the revenue of Laporte county and for other purposes.

No. 67, (of the Senate) an act to appropriate a certain portion of the three per cent. belonging to Cass county.

No. 64, (of the House) an act to amend an act to provide for a general system of internal improvements.

No. 80, an act to prescribe the mode of electing commissioners of the Board of Internal Improvement.

The following message was received from the Governor by Mr. Maguire his private Secretary.

MR. SPEAKER:

The Governor has approved and signed acts entitled as follows, viz:

No. 13, an act authorizing a change of venue in certain cases therein named;

No. 78, an act for the relief of Samuel Ward;

No. 107, an act to authorize certain commissioners therein named to locate a permanent seat of justice for the county of Wells;

No. 12, an act to vacate part of Solomon Romig's addition to the town of Lafayette;

No. 21, an act relative to changing the mode of electing a commissioner of the three per cent. fund in the county of Daviess.

No. 31, an act to incorporate the Marion Fire Engine Company.

No. 80, an act to prescribe the mode of electing members of the Board of Internal Improvement.

Mr. Thompson of A., presented the petition of Jonathan W. Elliott, asking certain powers to be granted to Adam Hull, Sen.

Which was referred to the committee on Corporations.

On motion of Mr. Walpole,

Resolved, That rule of this House in reference to the introduction of bills immediately after reading the journals be rescinded.

On motion of Mr. Cotton of S.,

Resolved, That the joint committee on revision be instructed to report a bill limiting the number of Fund Commissioners to two, to be elected by joint ballot of the two Houses of the General Assembly, and that the Senate be respectfully requested to concur in this resolution.

And then the House adjourned.

2 o'clock, P. M.

The House met.

On motion of Mr. Gleun,

Resolved, That the Senate be invited to attend in the Hall of the House of Representatives, *instantly*, for the purpose of going into the election of three members of the Board of Public Works in place of John G. Clendenin, Samuel Lewis and John A. Graham, and that seats be provided for them on the right of the Speakers Chair.

The Senate then came into the Hall and took their seats on the right of the Speaker's Chair, the President of the Senate on the right of the Speaker, when the two Houses of the General Assembly proceeded to ballot for a member of the Board to fill the vacancy occasioned by the expiration of the term of John G. Clendenin, and on counting the first ballot it appeared that

John G. Clendenin received
Nathaniel Albertson

73 votes.
71 “

John G. Clendenin having received a majority of all the votes given, was by the President of the Senate in the presence of both Houses, declared duly elected a member of the Board of Internal Improvement, for the term of three years from and after the expiration of the present term.

The two Houses then in like manner proceeded to the election of a member of said Board to fill the vacancy occasioned by the expiration of the term of service of John A. Graham; when on counting the first ballot it appeared that

John A. Graham received
Scattering “

92 votes.
52 “

John A. Graham having received a majority of all the votes given, was by the President of the Senate in presence of both Houses, declared duly elected a member of the Board of Internal Improvement to serve as such for the term of three years from and after the expiration of the present term.

The two Houses then in like manner proceeded to the election of a member of said Board to fill the vacancy occasioned by the expiration of the term of service of Samuel Lewis, when on counting the first ballot it appeared that

Samuel Lewis received
Scattering

94 votes.
45 “

Samuel Lewis having received a majority of all the votes given, was by the President of the Senate, in the presence of both Houses of the General Assembly, declared duly elected a member of the Board of Internal Improvement to serve as such for the term of three years, from and after the expiration of the present term.

And then the Senate withdrew to their Chamber.

The House then proceeded to the consideration of the orders of the day

Bills of the House No. 82, appropriating the three per cent fund belonging to the county of Wayne.

No. 74. Declaring a certain name a misprint.

No. 77. To prevent obstructions in Anderson river, in Perry and Spencer counties.

No. 86. Providing the number and mode of electing trustees of the Posey County Seminary.

No. 89. Organizing Jasper county.

No. 95. For the relief of John B. Walker.

No. 93. To legalize the election and official acts of Judge of Probate in Lake county.

No. 100. To legalize the acts of Thomas Bowman.

No. 97. To change the name of Calvin C. Marsh.

No. 102. Establishing temporarily the court house in the county of Lake, and for other purposes.

No. 109. A joint resolution on the subject of a western armory.

No. 111. To provide for the election of a justice of the peace in the town of Hartsville in Bartholemew county.

No. 206. Amendatory of the act entitled an act for the promotion of the Pleasant run school district, in Carroll county.

No. 123. Providing for the sale of certain school lands in the county of Sullivan.

No. 157. Relating to the town of Vernon.

No. 172. To incorporate the Wabash Hotel company.

No. 124. Relating to the acts of house holders in the county of Lake.

No. 120. To change the Morgansford and Brandywine town State road.

No. 153. For the relief of Campbell Dole.

No. 150. To amend an act entitled an act to appropriate part of the three per cent. fund in the county of Orange,

And bills of the Senate

No. 49. To legalize the sale of school section of congressional township No. 3, north of range 8 east, in Scott county.

No. 56. To enable the school commissioners of Ripley to do certain acts,

Were severally read the third time and passed.

Ordered, That the clerk inform the Senate, and ask their concurrence in said bills of the House.

Bill of the House No. 152, for the formation of the county of Windsor,

Was read the third time,

When Mr. Proffit moved that said bill be referred to a select committee.

Mr. Glenn moved the following instructions: "That the committee insert a provision in said bill, that nothing herein contained shall permit any county now formed to be reduced below 400 square miles.

And before any decision thereon,

The House adjourned until to-morrow morning 9 o'clock.

THURSDAY MORNING, Jan. 25th, 1838.

The House met pursuant to adjournment.

Mr. Bryce introduced a joint resolution No. 263, in relation to the number of revised laws to be bound.

Which was twice read and referred to a select committee of Messrs. Crume, Bryce and Stapp,

Mr. Walpole presented the petition of B. G. Jay and others, for a bridge across Buck creek,

Which was referred to a select committee of Messrs. Walpole, Hanna, and Hocker.

On motion of Mr. Hanna, the petition of Mrs. Martin for a divorce, was taken from the table, and referred to a select committee of Messrs. Hanna, Lane and Reeve.

On motion of Mr. Lane,

Ordered, That said committee have power to send for persons and papers.

On motion of Mr. Thompson of A.,

The petition of James Hatfield for a divorce was taken from the table and referred to a select committee of Messrs. Thompson of A., Williams of R., and Ferguson.

Mr. Major presented the petition of David C. Clark and others for a state road therein named,

Which was referred to the committee on roads.

Mr. Gaddis presented the petition of Henry B. Puckett and others for a more efficient mode of collecting militia fines,

Which was referred to the committee on Military Affairs.

Mr. Howell presented the petition of John Proctor and others for a state road from Huffman's Mills to Petersburg,

Which was referred to a select committee of Messrs. Howell, McCrillus and Miller.

Mr. Miller presented two petitions and a resolution in reference to a bridge now erecting across Patoka River near Columbia, on the subject of making a toll bridge thereof,

Which was referred to a select committee of Messrs. Miller, Graham and Owen.

Mr. Macy made the following report:

MR. SPEAKER:—

The judiciary committee to which was referred a petition of John Cartmill praying for authority to sell and convey certain real estate therein named.

Also, a bill of the House No. 36, to amend an act entitled an act regulating the jurisdiction and duties of justices of the peace, approved Feb. 3d, 1832, have had the above named subjects under consideration and directed me to report, that it is inexpedient to legislate on the above named petition, and recommend the reference of the bill to the committee on revision.

On motion, the House concurred in said report.

Mr. M'Clure from the judiciary committee to which a petition on that subject was referred, reported a bill,

No. 264, to authorize Mary Butler to convey certain real estate,

Which was read the first time and passed to a second reading on to-morrow.

Mr. Macy made the following report:

MR. SPEAKER:

The judiciary committee to which was referred a bill No. 91, providing for the safety of stage passengers.

Also, bill No. 20, to amend an act entitled an act regulating the practice in suits at law, have had the same under consideration, and directed me to report them back to the house without amendment.

The bill No. 91, was ordered to a third reading on to-morrow.

Bill No. 20, committed to a committee of the whole House to which the practice act was referred.

Mr. Jones made the following report:

MR. SPEAKER:

The committee on Education to whom was referred resolutions of this House No's. 11, 14, 15, 17 and 19, and the petitions Josephus Cicero Worrell and of W. S. Galey and others has had the same under consideration and instructed me to report that legislation upon the subjects

of those petitions and resolutions is in the opinion of your committee inexpedient, all which is respectfully submitted.

On motion the House concurred in said report:

Mr. Gregory made the following report:

MR. SPEAKER:

The committee on roads to whom was referred the petition of George McKinzie and other citizens of Clinton county, and the remonstrance of A. C. Cook and others of the said county on the subject of a change in a certain state road, have had the same under consideration and have directed me to report that it is inexpedient to legislate upon that subject, and ask to be discharged from the further consideration thereof,

On motion the House concurred in said report:

Mr. Stapp made the following report:

MR. SPEAKER:

The committee on Canals and Internal Improvements to which was referred, sundry petitions and papers relating to the canal around the Falls of Ohio River have had that subject under their consideration and have directed me to report them to the House and ask their reference to a select committee, composed of the representatives from Clark and Floyd counties,

On motion the House concurred therein.

Mr. Carleton from the committee on canals to which was referred a bill of the House No., to amend an act entitled an act to provide for a general system of Internal Improvement approved Jan. 27, 1836, reported the same back with an amendment,

When said bill and amendment were laid upon the table.

Mr. Thompson of A. made the following report:

MR. SPEAKER:

The committee on Agriculture to whom was referred the memorial of the State Board of Agriculture, praying for the passage of an act granting a reasonable compensation to the Secretary of the State Board of Agriculture for his services and expenses in conducting the correspondence of said board, and for such other duties as may be required of him, have had the same under consideration and directed me to report:

A bill No. 265, to amend an act entitled an act for the encouragement of Agriculture, approved Feb. 7, 1835.

They also recommend the printing of ——— copies of the following memorial of said Board of Agriculture.

To the General Assembly of the State of Indiana.

Your memorialists, a committee appointed by the State Agricultural Society of Indiana, "to draft and present to the Legislature now in session, a memorial praying for the passage of a law granting a reasonable compensation to the Secretary of the State Board of Agriculture for his services and expenses in conducting the correspondence of said Board, and for such other duties as may be required of him," respectfully represent, that by the 13th section of a law of the General Assembly of this State, entitled, "an act for the encouragement of Agriculture," approved Feb. 7th, 1835, it was, among other things, made the duty of the State Board of Agriculture "to collect from county societies and from all other sources to them accessible, such information as shall be calculated to promote the Agricultural interests of the State; give such directions or instructions to county societies as may tend to produce system, uniformity and efficiency of action on the part of said societies; procure, prepare, publish and circulate such agricultural tracts or other works, and conduct such agricultural experiments as may be ordered by the Legislature or by county societies in state meeting represented; also to receive and record or file all papers of county societies committed to their care; make all necessary arrangements for the annual meeting of the State Society; make an annual report to the Legislature, embracing a statement of their own proceedings; an abstract of the reports from the several county societies, and such other information and recommendations as in their judgment would be interesting and useful to the agricultural community, and to perform such other duties as shall be prescribed by the Legislature or the State Society." The provision above recited, embraces a very wide range of services. The State Board of Agriculture has been organized according to law something more than two years, and has exerted every effort to accomplish the objects of its creation as far as its powers and means would warrant.

As yet, however, no provision has been made to meet the expenses, which, in the discharge of the duties imposed on the Board by the act of 1835, must of necessity be incurred. One of the first and certainly most important objects had in view by the Legislature, was the collection and dissemination of useful knowledge connected with agricultural pursuits. To achieve this, will require much time and labor, to say nothing of the expenses consequent upon it. This duty should in the opinion of your memorialists be assigned to the Secretary of the Board. It would not be in accordance with the spirit of our institutions or the uniform liberality of the Legislature, nor indeed with the rights of any citizen to demand of him services of this character without a just compensation.

His correspondence would be extensive and his disbursements in the way of postage and printing, (for such expenses must be paid if we would carry out the objects of the law,) would be vastly more than any private individual would be willing or able to bear.

Your memorialists are persuaded that a liberal provision in the shape of a salary, for such an office is demanded by the interests of the State. We say interests of the State, for it cannot be denied that agriculture is the very basis of our whole political economy. Indiana is, and ever must be, emphatically an agricultural State. With us every thing depends upon the prosperity of this great interest. All our system of public Improvement receive their life blood from it. We may traverse the State with public works—we may open avenues of trade and commerce through every county—we may erect manufactures and build up towns, but their usefulness and support must after all depend mainly upon the success and prosperity of the farming interests. Within three or four years past, a new spirit has been awakened among the farmers of Indiana. County Agricultural Societies have been formed—a State Society has been created, and a visible and rapid improvement has every where rewarded their efforts. Old systems of culture have been abandoned for new, and success has marked almost every change. The farmer feels no longer tied down by old customs and old systems in tilling the soil, but catching the spirit of the times, he is looking for and adopting its improvements. So it is in regard to the implements of husbandry, and so in regard to the improvements in the breed and treatment of stock. He begins to look upon his pursuits as they are—first in independence—first in happiness—first in importance to his country, and equal in respectability to any other in life—and this is said in derogation of no other class or profession of men. Within the thirty seven years of the present century, especially distinguished as the period has been for improvement, the science of agriculture has commanded much of the attention of the most eminent philanthropists of Europe and our own country. But it cannot be denied that in Indiana, while we are in advance of some of our sister states in many schemes of enterprise and improvement, the interests of agriculture has been regarded with too much indifference. The diffusion of information among the people in regard to those pursuits is a great object. While it will add to their wealth and independence, and thus increase the nerve and power of the State, it will elevate their morals, enlighten their minds and strengthen their attachments to their country whose destiny and prosperity is a very great extent in their hands.

Your memorialists therefore the better to accomplish these objects, pray that provision be made by law for the compensation of the Secretary of the State Board of Agriculture, and also that the said Board be authorized to draw from the contingent fund from time to time, such sums as may be necessary to meet postage and printing expenses, and as in duty bound will ever pray, &c.

E. M. HUNTINGTON,
N. B. PALMER,
THOS. D. BAIRD.

The bill reported by said committee was twice read, when

Mr. Henley moved that it be indefinitely postponed.

And the ayes and noes being requested thereon by Messrs. Hubbard and Henley.

Those who voted in the affirmative were:

Messrs. Arnold	Graham	Noel
Bennett	Gregory	Owen,
Berry	Haddon	Pabody
Blair	Helmer	Peaslee
Boon	Henley	Puckett
Bryce	Howell	Reeve
Burns,	Hurst	Richey
Carleton	Huston	Roe
Carr	Jackson	Smith of W.
Chamberlain	Jones	Tannehill
Cotton of P.,	Lee	Thompson of F.
Cotton of S.	Leviston	Vandever
Crume,	Major	Walpole
Cunningham	Matlock	Williams of L.
Davis	Miller	Wilson
Ferguson,	Monroe	Wines of G & W &
Gaddis,	Morrison	Zenor 56.
Garrigus,	Murphey	
Glenn	Nickel	

Those who voted in the negative, were

Messrs. Boyd	Hubbard	Robbins
Brown	Huff	Sims
Champer	Kenton	Smyth of C.
Cox	Lane	Stapp
Eldridge	Macy	Thompson of A.
Ferris	Marshall	Vance
Hamel	M'Clure	Watson
Hanna	Noble	Whitman
Hawkins	Osborn	Williams of R.
Haymond	Perine	Williams of W.
Henricks	Porter	Wines of V.
Herriman	Proffit	Wyman and
Hocker	Ristine	Mr. Speaker.—39.
Hood		

So said bill was indefinitely postponed.

The House then refused to concur in the residue of said report.

Mr Proffitt made the following report:

MR. SPEAKER:

The committee on Corporations, to which was referred a bill No. 178 to incorporate the town of New Boston in Wayne county,

Also, a bill of Senate No. 36, to incorporate the Greenville Seminary in Floyd county, also, a bill No. 92, to incorporate the Paoli Savings Institution has instructed me to report said bills back to the House, without amendment.

When said bills were severally ordered to a third reading on to-morrow.

Mr. Proffitt made the following report:

MR. SPEAKER:

The committee on Corporations, to which was referred, bill No. 158, to incorporate the Harrison and Napoleon Turnpike Company, also, No. 170, to incorporate certain Turnpike Companies therein named, also, No. 211, to incorporate the Crawfordsville and Williamsport Turnpike Company, has instructed me to report said bills back to the House without amendment.

Bill No. 170, named in the report, was referred to the committee on canals and internal improvement.

Bills No. 158 and 211, named in the report, were severally ordered to a third reading on to-morrow.

Mr. Proffit made the following report:

MR. SPEAKER:

The Committee on Corporations to which was referred a petition relative to a bridge across the Grand Calumet River has instructed me to report a bill,

No. 266, authorizing Arthur McClure to build a bridge across the Grand Calumet River.

Which was read the first time and passed to a second reading on to-morrow.

Mr. Proffit also reported:

That the committee on Corporations to which was referred a bill No. 200, to incorporate the city of Logansport, instructed him to report it back to the House without amendment.

When said bill was ordered to a third reading on to-morrow.

Mr. Chamberlain from the committee on Corporations to which was referred the petition of James McConnel and others, reported a bill No. 267, to incorporate the Indiana Manufacturing Company.

Which was twice read and ordered to a third reading on to-morrow.

Mr. Chamberlain from the same committee to which was referred bill No. 81, to incorporate the town of Martinsville in Morgan county.

Also bill No. 72, to incorporate the town of Paoli in Orange county, reported said bills back to the House with sundry amendments.

Which were concurred in by the House.

And said bills ordered to a third reading on to-morrow.

Mr. Marshall made the following report:

MR. SPEAKER:

The committee on the State Bank to which was referred a resolution of this House enquiring into the expediency of increasing the stock in the State Bank, and applying the profits arising thereon towards the liquidation of the interests on the loans made for the purpose of Internal Improvement, have had that subject under consideration, and have directed me to report:

A bill No. 268, providing means by additional State Bank Stock for liquidating interest on the Internal Improvement Loans of the State.

Which was twice read and committed to a committee of the Whole House and made the order of the day for to-morrow.

Mr. Judah made the following report:

MR. SPEAKER:

The committee on the Judiciary according to order have had under consideration the following resolution:

Resolved, That the committee on the Judiciary be instructed to enquire and report to this House, whether in their opinion, the citizens of Indiana can be deprived of their right of action for "damage or injury done their property by contractors on the Public Works, by the provisions of an act entitled "an act to provide a General System of Internal Improvement," and whether said act is not in derogation of the rights guaranteed to the citizens by the 11th section of the first article of the constitution of the State of Indiana, which provides "That all courts shall be open, and every person for injury done him in his lands, goods, person or reputation, shall have remedy by due course of law." Which rights so guaranteed is by the 21th section of the same article of the constitution "excepted out of the general powers of the government and forever to remain inviolable," and have directed me to report:

That in the opinion of the committee, the act entitled an act to provide a General System of Internal Improvement, is not "in derogation of the rights guaranteed to the citizens by the 11th section of the 1st article of the constitution" of this State.

That section provides that all courts shall be open and every person for injury done him shall have remedy by due course of law. The committee understand that this eleventh section applies to the injuries done by individuals to individuals, and not to the conduct of public agents within the line of their duty.

The 16th section of the Internal Improvement act authorises persons engaged in the public service to enter upon lands, take materials, &c.

The only part of the constitution which can affect this or any other part of the Improvement Act, is the 7th section of the first article. It provides that no man's property shall be taken or applied to public use without a just compensation being made therefor. In New York, under a similar constitutional provision, it has been held that a law authorizing private property to be taken, and omitting to provide for compensation is not unconstitutional; but if it forbids compensation it is unconstitutional.—*Bloodgood vs. Mohawk and Hudson Rail Road Company* 14 Wendall's Reports 51; *Wheelock vs. Prett*, 4 Wendall's Reports 648; *Rodgers vs. Bradshaw*, 20 Johnson's R. 735; *Jerome vs. Ross*, 7 Johnson Ch. Rep. 330.

Now the Improvement Act not only does not deny compensation, but expressly provides for compensation in the 17th section.

If the provision for compensation is not sufficient, further provision should be made by law.

On motion, the House concurred in said report.

Mr. Judah from the committee on revision, reported a bill

No. 269. To provide for commissioning Sheriffs and Coroners, and to regulate their duties.

Also, No. 270. To regulate the mode of doing county business in the several counties in this State,

Which were severally read the first and second time, and committed to a committee of the whole House, and made the order of the day for tomorrow.

Mr. Bryce from the select committee to which was referred a joint resolution No. 263, in relation to the number of revised laws to be bound, reported the same back to the House with an amendment.

When said joint resolution and amendment were laid upon the table.

The House then resumed the consideration of the bill No. for the improvement of the Michigan road, and the amendments thereto, reported by the committee on Canals and Internal Improvement.

And on the question, shall the amendment reported by said committee be concurred in.

And the ayes and noes being requested thereon by Messrs. Hubbard and Perine,

Those who voted in the affirmative were

Messrs. Arnold,	Hocker,	Noel,
Blair,	Hood,	Pabody,
Burns,	Howell,	Peaslee,
Carr,	Huston	Perine,
Chamberlain,	Lane	Porter,
Cotton of P.	Major,	Reeve,
Eldridge,	Marshall,	Roe,
Ferris	M'Clure,	Smith of W.
Garrigus,	Milroy,	Watson,
Hanna,	Monroe,	Whitman,
Henley,	Morrison,	Williams of R.
Henricks,	Nickel,	Wilson and
Herriman,	Noble	Zenor—41.

Those who voted in the negative, were

Messrs. Bennett,	Haddon,	Ristine,
Berry,	Hamel,	Robbins
Boon,	Hawkins,	Sims
Boyd,	Helmer,	Smydth of C.
Bryce,	Hubbard,	Stapp,
Brown	Hurst,	Tannehill,
Carleton	Jackson,	Thompson of A.
Champer	Jones	Thompson of F.
Cotton of S.,	Kenton,	Vance,
Cox	Lee,	Vandever,
Crume,	Leviston,	Walpole,
Cunningham	Matlock,	Williams of L.
Davis,	Miller,	Williams of W.
Ferguson	Murphey,	Wines of G. and W.
Gaddis	Orsborn,	Wines of V.
Glenn,	Owen	Wyman and
Graham,	Puckett	Mr. Speaker—51.
Gregory,		

So said amendment was not concurred in.

Mr. Roe moved that said bill be indefinitely postponed.

And the ayes and noes being requested thereon by Messrs. Peaslee and Blair.

Those who voted in the affirmative were:

Messrs. Bennett	Graham	Pabody
Berry	Gregory	Porter
Brown	Haddon	Richey
Carleton	Haymond	Ristine

Carr	Helmer	Robbins,
Champer	Hurst	Roe
Cotton of P.	Jackson	Sims
Cotton of S.	Jones	Thompson of F.
Crume	Kenton	Vandever
Cunningham	Matlock	Walpole
Davis	McCrillus	Williams of L.
Ferguson	Miller	Wines of G. & W.
Gaddis	Monroe	and Wyman—40.
Garrigus		

Those who voted in the negative, were

Messrs. Arnold	Howell	Perine
Blair	Hubbard	Proffit
Boon	Huff	Pucket
Boyd	Huston	Reeve
Bryce	Lane	Smith of W.
Burns	Lee	Smydth of C.
Chamberlain	Leviston	Stapp
Eldridge	Major,	Tannehill
Ferris	Marshall	Thompson of A.
Glenn	M'Clure	Vance
Hamel	Milroy	Watson
Hanna	Morrison	Whitman
Hawkins	Murphey	Williams of R.
Henley	Nickel	Williams of W.
Henricks,	Noble	Wilson
Herriman	Osborn	Wines of V.
Hocker	Owen	Zenor and
Hood	Peaslee	Mr. Speaker—54.

So said bill was not indefinitely postponed.

On motion the word "Napoleon" was stricken out.

And on the proposition to insert "Indianapolis," so as to read from Indianapolis to the Lake.

And the ayes and noes being requestad thereon by Messrs. Peaslee and Blair.

Those who voted in the affirmative, were

Messrs. Bennett	Howell	Robbins
Berry	Hubbard	Sims
Boyd	Huff	Smith of W.
Bryce	Jones	Smydth of C.
Burns	Lee	Stapp
Carleton	Leviston	Tannehill
Carr	Major	Thompson of A.
Chamberlain	Marshall	Thompson of F.
Champer	Matlock	Vance
Cotton of P.	McClure	Walpole
Cox	Miller	Watson

Eldridge	Milroy	Whitman
Garrigus	Morrison	Williams of L.
Hamel	Noble	Williams of W.
Hanna	Owen	Wilson
Hawkins	Pabody	Wines of G. & W.
Henricks	Perine	Wines of V.
Herriman	Proffit	Wyman
Hocker	Pucket	Zenor and
Hood	Restine	Mr. Speaker—61.

Those who voted in the negative, were

Messrs. Arnold	Glenn	Lane
Blair	Graham	M'Crillus
Boon	Gregory	Monroe,
Brown	Haddon	Murphey
Cotton of S.	Haymond	Nickel
Crume	Helmer	Peaslee
Cunningham	Henley	Reeve
Davis	Hurst	Richey
Ferguson	Huston	Roe
Ferris	Jackson	Vandever and
Gaddis	Kenton	Williams of R.—31.

So said amendment was decided in the affirmative.

Mr. Glenn moved that the bill be laid upon the table.

And the ayes and noes being requested thereon by Messrs. Hocker and Eldridge.

Those who voted in the affirmative, were

Messrs. Arnold,	Gaddis	Miller,
Bennett,	Garrigus	Osborn,
Berry,	Glenn,	Pabody,
Boon	Graham,	Porter,
Bryce,	Gregory,	Reeve,
Brown,	Haddon,	Richey,
Carleton,	Haymond,	Robbins
Carr,	Helmer,	Sims,
Cotton of P.,	Henley	Smith of W.,
Cotton of S.,	Hurst,	Thompson of F.,
Cox	Huston	Walpole,
Crume	Jackson,	Williams of L.,
Cunningham,	Jones	Wilson,
Davis,	Kenton,	Wyman and
Ferguson	Matlock	Zenor—45.

Those who voted in the negative, were

Messrs. Blair,	Lane,	Perine,
Boyd,	Lee,	Proffit
Burns	Leviston,	Puckett,
Chamberlain,	Major	Ristine,
Champer	Marshall,	Smydth of C.,
Eldridge	M'Clure	Stapp,
Ferris,	McCrillus,	Thompson of A.,
Hamel,	Milroy,	Vance,
Hanna,	Monroe	Vandever,
Hawkins,	Morrison	Watson,
Henricks,	Murphey,	Whitman
Herriman,	Nickel	Williams of R.
Hocker,	Noble	Williams of W.,
Hood,	Noel,	Wines of G. & W.
Howell,	Owen,	Wines of V., and
Hubbard,	Peaslee,	Mr. Speaker—51.
Huff		

So said bill was not laid upon the table.

When on motion of Mr. Chamberlain,

The bill was referred to a select committee of Messrs. Chamberlain, Hood, Henricks, M'Clure, Milroy, Eldridge and Hubbard.

And then the House adjourned until 2 o'clock P. M.

2 o'clock, P. M.

The House met.

And went into the consideration of the orders of the day.

The question pending at the adjournment on yesterday to refer bill No. 152, for the formation of the county of Windsor to a select committee,

Was decided in the affirmative and said bill referred to a select committee of Messrs. Crume, Vance, Smith of W., Judah and Lane.

Bills of the House,

No. 192, for the relief of Derbin Gaw.

No. 125, to incorporate the Jeffersonville Savings Institution.

No. 159, to authorize the election of an additional justice of the peace in Hendricks county.

No. 160, to locate a state road from the west line of Hancock county to New Castle in Henry county.

No. 231, authorizing the election of an additional justice of the peace in Clinton township, in Vermillion county.

No. 239, For the relief of Edward Hopkins.

No. 119, to locate a state road from Franklin in Wayne county to Windsor in Randolph county, thence to the town of Huntington on the Wabash and Erie Canal.

No. 252, For the relief of James Sutfin.

No. 21, regulating the compensation of jurors and witnesses.

No. 260, on the subject of leasing water power at the Delphi dam.

Also, of the Senate,

No. 104, to locate a state road from Salem in Washington county to Charlestown in Clark county,

Were severally read the third time and passed.

Ordered, That the clerk inform the Senate and ask their concurrence therein.

No. 256, of the House, relative to the Clerk's Office in Marion county,

Was read the third time and indefinitely postponed.

Bills on second reading of the House.

No. 193, to amend an act to regulate the State Prison.

And of the Senate,

No. 46, to amend an act entitled "an act relating to state roads.

Were severally read the second time and laid upon the table.

Of the House,

No. 198, for the relief of the heirs of Michael C. Snyder.

No. 199. To legalize the election of trustee of the Presbyterian church of Sand creek in Decatur county.

No. 201. To re-locate a part of a State road in Monroe county.

No. 202. To vacate the town of Newburg in Greene county.

No. 207. To locate a State road therein named.

No. 208. To amend an act to incorporate the president and trustees of the Rush county seminary.

No. 212. Appointing and authorizing Dan. Mace as a commissioner to make deeds on behalf of George Hollingworth's heirs, to the purchasers of certain lots in the town of Attica.

No. 216. To revive and confirm certain State roads therein named, in the counties of White, Pulaski, Marshall and Carroll, and for other purposes.

No. 218. To provide for opening and repairing public highways in the county of Gibson.

No. 222. To provide for draining the low lands around Centre Lake, in Steuben county.

No. 230. For the relief of John Bennet.

No. 232. To amend an act entitled an act authorizing Richard M. Kirk to raise his mill dam three feet higher, approved Feb 3. 1837.

No. 236. Relating to the office of school commissioner in certain counties.

No. 240. Authorizing additional justices of the peace to Scott and Cole townships, in Montgomery county.

No. 248. To change the name of a certain town therein named.

No. 249. To amend an act entitled an act to amend the charter and define the powers and duties of the president and trustees of the town of Evansville, approved Feb. 8, 1836.

No. 250. For the relief of Henry Boyce.

And of the Senate No. 116, to appropriate part of the three per cent. fund in the county of Morgan.

No. 103. For the relief of Isaac Kimberlin.

No. 60. To amend an act entitled an act to provide for distributing so much of the surplus revenue of the United States as the State of Indiana may be entitled to and receive by virtue of an act of Congress, approved 23d of June, 1836;

Were severally read the second time, and ordered to a third reading on to-morrow.

Of the House No. 214. To amend the 17th section of the 8th chapter of an act relating to public schools, approved Feb. 6, 1837;

Was read the second time, and referred to the committee on Education.

No. 219. To prevent the circulation of individual bills in the form and for the purpose of a circulating medium.

And of the Senate No. 81, Regulating damages on protested bills of exchange;

Were read the second time and referred to the committee on the Judiciary.

Of the House No. 233. Reducing the compensation of the clerk of the Board of Internal Improvement;

Was read the second time, and referred to a select committee of Messrs. Walpole, Hubbard and Crume.

Of the Senate No. 56. Locating a State road from Delphi to Marion.

Of the House No. 235. To locate a State road from Mishawaka to St. Joseph county, to Syracuse in Kosciusko county.

No. 242. To locate certain State roads.

No. 246. Declaring a certain part of a road in Ripley county, a State road.

Were read the second time and referred to the committee on roads.

Of the House No. 244. To amend an act entitled an act to provide for a general system of internal improvements, approved Jan. 27, 1836.

No. 247. A joint resolution for an examination and survey of the Kankakee river in this State.

Were severally read the second time and referred to the committee on Canals and Internal Improvements.

And then the House adjourned until to-morrow morning 9 o'clock.

FRIDAY MORNING, Jan. 26, 1838.

The House met pursuant to adjournment.

Mr. Judah from the committee on revision reported a bill,

No. 271, to encourage the killing of Wolves.

No. 272, relating to evidence.

No. 273, subjecting real and personal estate to execution.

Which were severally read the first and second time and referred to a committee of the whole House, and made the order of the day to-morrow.

Ordered, That 100 copies each of Bills No. 272 and 273 be printed.

Mr. Perine presented the petition of Jacob Baker and others for a State road from Rochester in Fulton county to Fort Wayne.

Mr. Vance presented the petition of Samuel Hall and others, for a State road therein named.

Mr. Milroy presented the two petitions on the subject of State roads therein named.

Mr. Eldridge presented the petition of David Atwell and others for aid to construct a bridge across Eel river.

Which were severally referred to the committee on roads.

Mr. Owen presented the memorial of sundry citizens of the county of Posey for the repeal of so much of an act relative to the jurisdiction of justices of the peace, approved February 1, 1834, as relates to Posey county,

Which was referred to the committee on revision.

Mr. Major presented the petition of sundry citizens of Clinton and Carroll county, asking that money expended by them in repairing a bridge across the North Fork of Wild Cat be refunded,

Which was referred to the committee on claims,

Mr. Matlock presented the petition of sundry citizens of Hendricks county, asking a repeal of the township law, now in force in said county.

Mr. Gregory made the following report.

MR. SPEAKER:

The committee on roads to whom was referred a bill of the Senate, changing a part of the Vernon and Greenburgh State road, have directed me to report the same back to the House, without amendment and ask it to be indefinitely postponed, and to be discharged from the further consideration thereof.

On motion the House concurred therein.

Mr. Hurst from the committee on corporations, to which was referred a bill No. 90, to incorporate the Knightstown Canal Manufacturing and Trading Company, reported the same back without amendment.

When the bill was ordered to a third reading on to-morrow.

Mr. Chamberlain from the same committee, to which was referred a bill No. 203, to incorporate the Richmond and Brookville Canal Company reported the same back without amendment.

When the bill was ordered to a third reading on to-morrow.

Mr. Richey from the select committee to which was referred sundry petitions of citizens of Delaware county, reported a bill No. 274, providing for a more uniform mode of doing township business in the several counties in this State.

Which was twice read and referred to the committee on revision.

Mr. Glenn made the following report:

MR. SPEAKER:

The select committee to which was referred bill of the Senate No. 51, an act to authorize the Treasurer of Dearborn county to pay over certain road tax in his hands, have had the same under consideration and have directed me to report the same back without amendment.

When said bill was read the third time and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Chamberlain made the following report:

MR. SPEAKER:

The select committee to whom was referred a bill No. 141, to provide for the improvement of the Michigan Road, as amended by the House, together with the the pending amendments, have had that subject under consideration, and have directed me to report the same back, and respectfully request the concurrence of the House in said amendments.

The committee have also directed me to report as an amendment, an additional section.

In which the concurrence of the House is also respectfully requested.

On the question shall the second section of the bill be stricken out.

And the ayes and noes being requested thereon by Messrs. Peaslee and Blair

Those who voted in the affirmative were:

Messrs. Berry	Huff	Ristine
Boyd	Jones	Robbins
Carleton	Kenton	Sims
Carr	Lee	Smith of W.
Chamberlain	Leviston,	Smydth of C.
Cotton of P.	McClure	Vandever
Cox	McCrillus	Walpole
Gaddis	Noble	Williams of L.
Garrigus	Owen	Wines of G & W.
Haddon	Paboby	Wyman and
Hanna	Perine	Mr. Speaker,—35
Howell	Proffit	

Those who voted in the negative were:

Messrs. Arnold	Haymond	Osborn
Bennett	Helmer	Peaslee
Blair	Henricks	Porter
Boon	Hocker	Puckett
Bryce	Hood	Reeve,
Brown	Hubbard	Richey
Burns	Hurst	Roe,
Cotton of S.	Huston	Stapp
Crume	Jackson	Tannehill
Cunningham	Lane	Thompson of A.
Davis	Macy	Thompson of F.
Dowling	Major	Vance
Eldridge	Marshall	Watson
Ferguson	Matlock	Whitman
Ferris	Milroy	Williams of R.
Glenn,	Monroe	Williams of W.
Gregory	Murphey.	Wilson
Hamel	Nickel	Wines of V. and
Hawkins	Noel	Zenor—58.

So said motion was decided in the negative.

Mr. Glenn moved the following amendment:

Strike out all between the words practicable and Indianapolis in the second section and insert the following:

Between Indianapolis and the nearest and best point on the Ohio river for a McAdamized road, making Napoleon a point.

Which was decided in the negative.

Mr. Berry moved to strike out Board of Internal Improvement wherever it occurs, and insert "a commissioner to be elected by joint ballot of both Houses of the General Assembly."

And the ayes and noes being requested thereon by Messrs. Peaslee and Blair,

Those who voted in the affirmative, were

Messrs. Berry	Huston	Richey
Bryce	Jackson	Sims
Cox,	Kenton	Smith of W.
Crume	Lee	Vandever
Cunningham	Leviston	Walpole
Davis	Miller	Williams of L.
Gaddis	Noble	Wilson

Glenn
Haymond
Herriman

Noel
Porter

Zenor and
Mr. Speaker—28.

Those who voted in the negative, were

Messrs. Arnold	Helmer	Peaslee
Bennett	Henricks	Perine
Blair	Hocker	Proffit
Boyd	Hood	Puckett
Brown	Howell	Reeve
Burns	Hubbard	Ristine
Carleton	Hurst	Robbins
Carr	Jones	Roe
Chamberlain	Lane	Stapp
Champer	Macy	Smydth of C.
Cotton of P.	Major	Tannehill
Cotton of S.	Marshall	Thompson of A.
Dowling	Matlock	Thompson of F.
Eldridge	McClure	Vance
Ferguson	McCrillus	Watson
Ferris	Milroy	Whitman
Garrigus	Monroe	Williams of R.
Gregory	Murphey	Williams of W.
Haddon	Nickel	Wines of G. & W.
Hamel	Owen	Wines of V. and
Hanna	Pabody,	Wyman—64.
Hawkins		

So said amendment was decided in the negative.

Mr. Bryce moved that the vote on striking out the appropriation of 250,000 dollars and inserting 200,000 be reconsidered.

And the ayes and noes being requested thereon by Messrs. Jones and Peaslee.

Those who voted in the affirmative, were

Messrs. Blair	Hocker	Peaslee
Burns	Hood	Perine
Chamberlain	Hurst	Proffit,
Cox	Milroy	Robbins and
Dowling	Monroe	Williams of R.—16
Gregory		

Those who voted in the negative were,

Messrs. Arnold	Henricks	Richey
Bennett	Herriman	Ristine

Berry	Howell	Roe
Boyd	Hubbard	Sims
Bryce	Huston	Smith of W.,
Brown	Jackson	Smydth of C.
Carleton	Jones	Stapp
Carr	Lane	Tannehill
Cotton of P.	Lee	Thompson of A.
Cotton of S.	Leviston	Thompson of F.
Crume	Macy	Vance
Cunningham	Major	Vandever
Davis	Marshall	Walpole
Eldridge	Matlock	Watson
Ferris	McClure	Whitman,
Gaddis	McCrillus,	Williams of L.
Garrigus	Miller	Williams of W.
Glenn	Murphey	Wilson
Haddon	Noble	Wines of G. & W
Hamel	Noel	Wines of V.
Hanna	Osborn	Wyman
Hawkins,	Owen	Zenor and
Haymond	Pabody	Mr. Speaker—71.
Helmer	Reeve	

So said vote was not reconsidered.

Mr. Haymond moved that said bill be indefinitely postponed.

And the ayes and nocs being requested thereon by Messrs. Peaslee and Perine.

Those who voted in the affirmative were:

Messrs. Arnold	Glenn	Noel
Bennett	Gregory	Pabody
Berry	Haddon	Porter
Boon	Haymond	Reeve
Brown	Hurst	Richey
Carleton	Jackson	Robbins
Carr	Jones	Roe
Cotton of P.,	Kenton	Sims
Cotton of S.	Lee	Tannehill
Cox	Leviston	Thompson of F.
Crume,	Macy	Vandever
Cunningham	Miller	Walpole
Davis	Monroe	Williams of L.
Gaddis,	Murphey	Williams of R. and
Garrigus,	Noble	Wyman—44

Those who voted in the negative, were

Messrs. Blair	Howell	Puckett
Boyd	Hubbard	Ristine

Bryce
Burns,
Chamberlain
Dowling,
Eldridge
Ferguson,
Ferris
Hamel
Hanna
Hawkins
Helmer
Henricks
Hocker
Hood

Huff
Huston
Judah
Lane
Major
Marshall
M'Clure
McCrillus
Milroy
Nickel
Osborn
Owen,
Peaslee
Perine

Smith of W.
Smydth of C.
Stapp
Thompson of A.
Vance
Watson
Whitman
Williams of W.
Wilson
Wines of G. & W.
Wines of V.
Zenor and
Mr. Speaker.—47.

So said bill was not indefinitely postponed.

And then the House adjourned.

2 o'clock, P. M.

The House met,

On motion of Mr. Eldridge the previous orders of the day were suspended, and House proceeded to consider the bill for the improvement of the Michigan Road.

Mr. Reeve moved to amend said bill as follows: "that in carrying out the provision of this act, the contemplated road from some point on the Michigan road to Rushville, shall receive its due proportion of the appropriations according to the original intentions of the rail road Charter

Which was decided in the negative.

Mr. Arnold moved to amend the bill by striking out from the enacting clause, and inserting the following, "that the Michigan road be espoused, married, and joined in wedlock to the glorious system of internal improvement, and that hereafter the twain shall be one flesh."

Which was decided in the negative.

Mr. Peaslee moved the previous question,

Which was seconded by a majority of the House.

And on the question shall the main question be now put.

It was decided in the affirmative.

Whereupon the main question was put, shall the bill be engrossed,

And the ayes and noes being requested thereon by Messrs. Reeve and Nickel.

Those who voted in the affirmative, were

Messrs. Blair	Hocker	Roe
Boyd	Hood	Smydth of C
Burns	Hubbard	Stapp
Bryce	Judah,	Thompson of A.
Chamberlain	Major	Vance
Cox	Marshall	Watson
Dowling	McClure	Whitman
Eldridge	Milroy	Williams of W.
Ferris	Monroe,	Wilson
Hamel	Morrison	Wines of G. & W.
Hanna	Nickel	Wines of V.
Hawkins	Owen	Zenor and
Henricks	Peaslee	Mr. Speaker—41.
Herriman	Perine	

Those who voted in the negative, were

Messrs. Arnold	Haymond	Noel
Bennett	Helmer	Osborn
Eery	Henley	Pabody
Brown	Howell	Porter
Carleton	Hurst	Proffit
Carr	Huston	Reeve
Cotton of P.	Jackson	Richey
Cotton of S.	Jones	Restine
Crume	Kenton	Robbins
Cunningham	Lane	Sims
Davis	Lee	Smith of W.
Ferguson	Leviston	Tannehill
Gaddis	Macy	Thompson of F.
Garrigus	Matlock	Vandever
Glenn	M'Crillus	Walpole
Graham	Miller	Williams of L. and
Gregory	Murphey	Williams of R.—31 51
Haddon	Noble	

So said bill was lost.

On motion of Mr. Bryce,

The joint resolution No. 263 in relation to the number of revised laws to be printed was taken from the table, amended, read the third time and passed.

Ordered, That the clerk inform the Senate and ask their concurrence therein.

On motion of Mr. Wines of G. & W.,

Bill No. 183, to define the counties of Wabash, Miami and Fulton and including within each territory not heretofore attached to any county

Was taken from the table,

And read the third time and passed.

Bills of the House,

No. 261, to vacate the town of Grand View, in Clinton county.

No. 266, authorizing Arthur McClure to build a bridge across the Grand Calumet River.

No. 264, to authorize Mary Butler to convey certain real estate.

Were severally read the second time, and ordered to a third reading on to-morrow.

Bill of Senate,

No. 84, respecting apprentices,

Was read the second time and committed to a committee of the whole House and made the order of the day for to-morrow,

Of the House.

No. 253, to fix the pay of the Board of Public Works,

Was read the second time,

When,

Mr. Hubbard moved to amend said bill by striking out from enacting clause, and inserting a bill fixing and reducing the pay of the members of the Board of internal improvements, the engineers employed in the service of the State, reducing the number of the fund commissioners to two, and fixing their salaries, and reducing the pay of the clerk of the Board of internal improvements.

And before any decision on said amendment,

On motion of Mr. Bryce,

The bill and pending amendment were referred to the committee on Canals and Internal Improvements.

Mr. Gregory moved the following instructions to said committee: amend the bill so as to provide "That the board of public works shall not hereafter employ a principal engineer, and that none but resident engineers shall be employed."

Mr. Eldridge moved to amend said instructions by adding: "That owing to the high prices of labor and provisions, sound policy seems to require that all further operations upon any of the public works of this State be suspended, until the prices are reduced to a fair rate;"

Which was decided in the negative.

Mr. Smith of W. moved to amend the instructions so as to direct the committee to provide in the bill, "That the sum to be expended on either of the public works shall not exceed the amount of the original estimate or appropriation made thereon."

Which was decided in the negative.

Mr. Peaslee moved that the committee be further instructed to provide by bill, "that the Board of Internal Improvement shall adopt a course of policy in the location, character and construction of each work, so that no one work when finished shall cost more than fifty per cent. over and above the amount originally appropriated on said work."

Which was also decided in the negative.

Mr. Morrison moved the following amendment: "And that the Board of Internal Improvement are hereby directed to make a letting of not more than fifteen miles on the Madison and Lafayette rail road commencing at Indianapolis southwardly, during the ensuing summer, and that said letting be made with a view to make the work done available either in the construction of a rail or McAdamized road."

Which did not prevail.

When said instructions were laid upon the table.

Bills on third reading of the House,

No. 72. To incorporate the town of Paoli in Orange county.

No. 91. Providing for the safety of stage passengers.

No. 158. To incorporate the Harrison and Napoleon turnpike company.

No. 267. To incorporate the Indiana Manufacturing Company.

No. 207. To locate a State road therein named.

No. 208. To amend an act entitled an act to incorporate the president and trustees of the Rush County Seminary,

No. 81. To incorporate the town of Martinsville, in Morgan county.

No. 212. Appointing and authorizing Dan. Mace as a commissioner to make deeds in behalf of George Hollingworth's heirs, to purchasers of certain lots in the town of Attica.

No. 214. To amend the 17th section of the 8th chapter of an act establishing public schools, approved February 6, 1837.

No. 216. To revive and confirm certain State roads therein named, in the counties of White, Pulaski, Marshall and Carroll, and for other purposes.

No. 219. To provide for opening and repairing public roads and highways in the county of Gibson.

No. 222. To provide for draining the low lands around Centre Lake, Steuben county.

No. 230. For the relief of John Bennett.

No. 232. To amend an act entitled an act authorizing Richard M. Kirk to raise his mill dam three feet higher, approved Feb. 3, 1837.

No. 236, relative to the office of School Commissioner in certain counties.

No. 248, to change the name of a certain town therein named.

No. 240, authorizing an additional justice of the peace to Scott and Cole Creek townships in Montgomery county.

No. 200, to incorporate the City of Logansport.

No. 178, to incorporate the town of New Boston in Wayne county.

No. 211, to incorporate the Crawfordsville and Williamsport Turnpike Company.

No. 249, to amend an act entitled an act to amend the charter and define the powers and duties of the President and Trustees of the Town of Evansville, approved Feb. 8, 1836.

No. 250, for the relief of Henry Boyce.

No. 92, to incorporate the Paoli Savings Institution.

No. 198, for the relief of the minor heirs of Michael C. Snyder.

No. 199, to legalize the election of trustees of the Presbyterian Church of Sand Creek in Decatur county.

No. 281, to relocate a part of a State road in Monroe county.

No. 202, to vacate the town of Newburg in Greene county.

Also,

Bills of Senate.

No. 103, for the relief of Isaac Kimberlin.

No. 36, to incorporate the Greenville Seminary in Floyd county.

No. 116, to appropriate part of the three per cent. fund in the county of Morgan.

Were severally read the third time and passed.

Ordered, That the Senate be informed thereof, and their concurrence requested in said bills of the House.

The House then resolved itself into a committee of the Whole on the revised bill No. 135, regulating descents, distribution and dower.

Mr. Hocker in the Chair.

After some time spent therein,

The committee rose.

And the chairman reported that the committee had according to order, had said bill under consideration, and made some progress therein, but not having time to go through the same, had directed him to ask leave to sit again.

Which leave was granted.

Mr. Graham from the joint committee on Enrolled Bills made the following report:

MR. SPEAKER:

The joint committee on Enrolled Bills report that they did this day compare the enrolled with the engrossed bill of the Senate, No. 35, an act to locate a State road from Cambridge City to Fort Wayne."

And find the same truly enrolled.

Whereupon, the Speaker signed the same,

Ordered, That the clerk carry it to the Senate for the signature of their President.

And then the House adjourned until to-morrow morning 9 o'clock.

MONDAY MORNING, JAN. 29, 1838.

The House met pursuant to adjournment.

Mr. Judah from the committee of Investigation into the affairs of the State Bank, reported the proceedings of said committee on the subject referred to them as follows:

MR SPEAKER:

The special committee appointed to examine into the business and conduct of the State Bank of Indiana, and its Branches and of the Commissioners of the Sinking Fund; and to enquire whether any, and if any, what amendments are necessary in the Bank charter to secure the public good by providing such guards and restrictions, and such checks and restraints as will be sufficient under all circumstances to prevent imposition or misconduct,

REPORT,

That in the discharge of the duties confided to them, they have submitted to each of the Branches thirty-eight interrogatories, copies of which are reported herewith. They have also examined under oath Samuel Merrill, the President of the State Bank; Bethuel E. Morris, the Cashier of the Branch at Indianapolis; John B. E. Reid and John Livingston of Marion county; Wm. A. Hood of Miami county; Elisha Long and Thomas H. Blake, Internal Improvement Commissioners; Thomas C. Anthony of Delaware county; James Davis, Wm. M. Jenners and Benjamin Henkle of Tippecanoe county; James M. Darragh, a Director of the Lawrenceburgh Branch; Wm. T. Chappell, Teller of the same Branch; Omer Tousy, lately a Director of the same Branch; and J. H. Lane, Charles H. Test and J. S. Ferris of Dearborn county.

Answers to the interrogatories in the whole or in part have been received from the following branches:

Terre-Haute, New Albany, Richmond, Madison, Bedford, Evansville, Indianapolis, Lafayette, Lawrenceburgh, Fort Wayne and Vincennes.

Copies of these answers are herewith submitted, and with the answers of the witnesses above mentioned, also herewith submitted, compose the testimony upon which the committee have determined in the investigation submitted to their charge.

It is the opinion of the committee that the act establishing a State Bank does not provide sufficiently for the exercise of a proper control by the State over the bank and branches. It has been said that the proper mode of obtaining information for the action of the Legislature, in relation to the conduct of the bank and its branches, is that mentioned in the 26th section of the bank charter, by an agent. The committee refer now to this, not that they deem it either necessary or proper for them to enquire into the propriety of the order of the House under which they act, but that they consider, that in a free State, it is the duty of all public servants to avail themselves of every opportunity to correct erroneous opinions—and the utter fallacy of the assertion, that an examination by an agent, according to the 26th section, is the only mode of obtaining accurate information relative to the bank and branches, is so con-

clusively shown by the testimony of Mr. Merrill, the President of the Bank, that the committee are impelled by their duty to advert to it.

The power of an agent under the twenty-sixth section, is that of examiners appointed by the Directors of the State Bank. According to the 41st section, an examination is to be made at least once in six months. The examiners are directors of the State Bank, of course somewhat familiar with the business of the branches, and they have power to examine persons under oath, and to inspect all books, papers, &c. Examinations of all the branches have been made accordingly. We know from the testimony of the President, that he has personally examined all the branches once, and some of them twice in each year. Other Directors have examined them when he did not. Nevertheless it seems that last spring the President personally examined the Lafayette branch, and found "every thing apparently right," although it appears from the testimony of Mr. Henkle that a false statement by the cashier had been made but a few months before, to the amount of one thousand dollars, and that either in the winter or summer previous, private bills of exchange to the amount of fourteen thousand two hundred dollars, purchased without the knowledge of the Directors, and contrary to the charter, were for some time counted as cash.

So too, the gross misconduct of the Lawrenceburgh Branch from the commencement, by which its capital was rendered almost nominal, seems to have escaped the attention of the examiners for more than two years, for Mr. Merrill says that "although it may have been noticed before, it was not officially acted upon until about the 1st of last June."

The conclusion is irresistible, that either the bank examiners have wilfully neglected their duty, or have fraudulently suppressed the truth, or this mode of investigation is insufficient; nay, totally unworthy the public confidence. The committee are happy to express their belief that the fault has not been with Mr. Merrill or the other gentlemen who have acted as examiners. This the committee feel authorized to say; others may choose which horn of the dilemma they please.

The State Bank of Indiana is essentially a public and not a private institution; it was created for public and not for private purposes, and the influence of private interests in its management, was only admitted in consequence of the peculiar requisition on that subject in the State Constitution. The State owns one half of the original stock. The State has aided individuals in paying for stock to a large amount. The object of the State was not a profitable investment—a large dividend. Its object was the public good. The riches of a State, whether its government is in form free or arbitrary, consists not in the hoarded treasures of the supreme power. These riches consist only of the industry, the economy, the patriotism, and the virtue of the mass of individuals composing the State whether its power be represented by the person of an Asiatic Despot, or by the three branches forming the government of an American Republic.

To encourage and cherish the industry of the people, by giving the aid of additional capital in the form of a safe and convenient

circulation, issued from and controlled by a public banking institution, and *on reasonable terms*, was indeed worthy the legislature of a great people. But such is not the object of private banking institutions or firms. Their object, whether incorporated or not, is the accumulation of a large profit, extorted from the necessities of individuals. For these, the law affords their system of morals, and private profit prescribed their measures of patriotism.

The experience of three years furnishes satisfactory evidence that the whole action of the State Bank and Branches is regulated by a desire for profit, exerted in every form usually practised by private banking corporations, and not prohibited by law. And even the President and Directors on the part of the State, of the State Bank, elected by, and holding their offices at the pleasure of the General Assembly, seem so infected by the atmosphere in which officially they breathe, as to have lost sight of their true character—officers of the State—and to feel themselves officers of the bank only. They look for the evidences of success, not in the general prosperity of individuals, resources developed, enterprise sustained, and industry rewarded, but in bank profits. And they have presented an elaborate calculation at the commencement of the present session, to prove in how few years the State would extort an hundred per cent. on its bank capital from the industry of its citizens. An exhibition more worthy the ministers and the court of the Vicery of Egypt, than the agents and the legislative halls of a free and intelligent people. And all this, in the opinion of the committee, is not the fault of these five gentlemen, so much as it is the fault of the situation in which the charter of the bank places them. As men, subject to all the influences which affect others, they are influenced by all the opinions, feelings and interest of the other Bank Directors and of the stockholders.

The directory of the State Bank is now composed of the President and four Directors, who are supposed to represent the State; and of eleven Branch Delegates, who in fact represent the interests and passions of the Directors, forming the majority of their respective branch boards, and are supposed to represent the interests of the individual stockholders.

It is unnecessary to use argument to prove that four men, actuated by public considerations, can have but little influence upon eleven men under the control of private interest. And such has been the result. This alone can explain the fact, which otherwise would appear so singular, that although persons fully acquainted with the irregularities and errors of branches, now acknowledged to have done wrong, have had seats as Branch Delegates at the State Board, the State Board had no action on the subject for so long a time. In the Branches the three Directors are appointed by the State Directors, and eight or more are elected by the stockholders. As might be expected, the three are governed by the eight. But this is not all—in the branches, the three are influenced by the same private interests which influence the eight. They dare not dissent from the majority, because it is in the power of that majority to render their situation uncomfortable, and even injurious to themselves. So far as the action of the State Directors on this subject is known, it seems that their

power of appointment has been always exercised in accordance with the views and wishes of the dominant party in each branch.

The remedy is easy. Reclaim for the State the right to a representation in the Bank and Branch Directories, proportionate to the interests of the State in the stock. In the late Bank of the United States the Government owned one-fifth of the stock, and appointed one-fifth of the Directors.

Under the influence of private and individual considerations, the State Bank has failed to equalize the exchange within our own State. By the 40th section of the charter, the Directors of the State Bank have power to adjust and settle all accounts and balances between the branches. Under this power a slight degree of financial skill and of commercial knowledge, would enable the State Bank to organize such a system for the settlement of branch balances, without the actual payment of cash to any amount of importance, as would enable our citizens to draw for funds, or to make payments at the various commercial points in the State, with facility and safety, and without expense. This has not been done. The public have not even a right to suppose that it has been attempted. The reason is plain, a desire for profit forbids it. The table of rates of exchange annexed to this report will show that during the past year the exchange at New Albany on the purchase of bills on either Madison or Vincennes, was one per cent. discount, in addition to interest; at the same time the exchange at Madison on the other branches, was one half to one per cent. discount. The purchase at Terre Haute of bills on other branches, ranged from one half to one per cent. discount. At Indianapolis we are informed, the rate for purchases on Terre Haute and Madison, was one per cent. discount. At Evansville the charge has been for bills on Vincennes, one fourth to one half per cent. discount; and on Terre Haute and Indianapolis, one half to one per cent. discount, whilst this same Evansville Branch charged for checks on this same Terre Haute, one half per cent. premium. It is clear that these charges amount to an imposition on the trading community, if any system for the settlement of branch balances has been adopted. Under the influence of private and individual considerations, more or less of the branches have bought the notes of other banks at a discount, have dealt on fictitious bills of exchange, and have risked large sums of money by deposits on interest, on the banks of other States.

Bank notes have been purchased at a discount at Indianapolis, Evansville, Vincennes and Lafayette.

The payment of these notes at par to borrowers is admitted at Lafayette, Evansville and Vincennes.

The evils in this business are plain. This practice induces the bank to restrict the list of banks whose paper they take at par, that there may be good paper to shave; and to refuse ordinary discounts, that persons in want of money may take such depreciated paper at par from them in payment of discounted notes.

The committee recommend that the purchase or receipt of the notes of other banks, and of a less denomination than one hundred dollars, at a discount, be prohibited.

All the branches have bought fictitious bills of exchange. By such bills the committee understand bills of exchange drawn upon some person who neither has the funds of the drawer in his hands, nor has promised to pay. In other words, a mere accommodation bill, drawn and endorsed for the purpose of being discounted. The purchase of such bills is a mere loan of money, and on all loans the bank is entitled, by the 13th section, to charge six per cent. interest in advance and no more.

It is contended by the bank, that dealing in exchange is necessary to enable the bank to make remittances of money collected on account of debts due to other States. In other words, that it is necessary to enable the bank to do its part in the regulation of the domestic exchanges.

But why is it necessary? The President of the Bank, in his answers, has informed the committee, that without this, the remittance of money collected for debts from abroad by the banks, will be ruinous to the banks. Why does the bank collect these debts? Because it is allowed a commission by the foreign banks for which it collects. B. F. Morris, the cashier of the Indianapolis Branch, says that the Cincinnati banks allow one half per cent. commission to his branch for remitting their collection to Cincinnati, and this same branch, as we learn from the testimony of John B. E. Reed, charged him on the purchase of a bill on Cincinnati, last October, one and a half per cent. discount, in addition to interest. If this is the usual operation of the branch at Indianapolis, that branch compels our own dealers in stock and produce and our own merchants to make its remittances to Cincinnati; for which it gets from Cincinnati one half per cent. commission, and compels them to pay one and a half per cent. for the liberty of doing its own business. If this be usual at Indianapolis, or in the other branches, two per cent. is made on collections by the bank, but it is made at the expense of our farmers, traders, and merchants, of the active and enterprising portion of the community; of those indeed, for whose benefit the bank was created. Mr. Morris was asked, why it was that when the bank received a half per cent. commission for placing funds in Cincinnati, it charged a discount on bills payable there? His answer is, "it is customary." The same question in substance was put to the President of the bank. Mr. Merrill attempted to explain, by stating that the discount was charged as a compensation for "risk, postage, &c." He forgot that the compensation for the risk is included with the compensation for the use in the amount of interest. The postage is too small an item, to form any basis for a calculation of a per centum.

The President of the State Bank was asked, "Is it known to you that any of the branches have refused to discount notes and at the same time purchased bills of exchange from citizens at a discount?" He answered "Yes." He was asked, "At what branches have you known this to have been done?" And he answered, "I believe this to have been done at all the branches." In the opinion of the committee, this is a mere system of extortion, contrary to law, justice, and the charter, both in its letter and its spirit. The State Bank of Indiana was not constituted for the purpose of collecting debts from our citizens, nor of regulating the exchanges of the Union. It was constituted for the purpose of providing for the State

a sound and convenient circulating medium, and of furnishing to our enterprising citizens additional capital at 6 per cent. interest. Closely connected with the fictitious bill business, is the practice of keeping large sums of money on deposit in the banks of other States at interest. In prosperous times, such deposits are as good, perhaps better, for they are more profitable than specie in the vaults of the bank. In prosperous times, such deposits are truly available funds. But it is a mere speculation, and as such dangerous. Such deposits, although in prosperous times more profitable to the bank, are not as safe in all times, as loans on good security to our own people. Because we know from experience, the experience of the last eight months, that a suspension of specie payments renders all funds so placed unavailable.

In the opinion of the committee, money loaned on good security at six per cent. interest to our farmers, mechanics and merchants, is at least as safe, and much more profitable to the State, than when deposited, be the terms and objects what they may: in the Morris Canal or Dry Dock or other distant speculating banking company.

Under the influence of private interests, an improper advantages is given to directors and stockholders—as to the Lafayette, Indianapolis and Lawrenceburgh branches, this is admitted by Mr. Merrill, the President. In the other Branches, he does not think there has been more partiality than should be expected. How much that may be, the committee are not informed.

And under such influence in the Lawrenceburgh Branch, the capital at one time was rendered almost nominal. A capital of \$205,000 was according to the testimony of Mr. Tousey and others, reduced to \$30,000, by an understanding amongst the directors. To form the capital, the State advanced \$80,000, and individuals advanced \$125,000. According to Mr. Tousey the whole individual capital and \$50,000 of the State capital, making together \$175,000, was advanced to the stockholders with an understanding that it should not be subject to curtailment. In other words, the actual capital of the bank was reduced to \$30,000. And it is not much better now.

But although it is in the opinion of the committee that the State should reclaim the power of controlling the number, the appointment, and the power of the directors of the State Bank and Branches, it is not their opinion that this power when reclaimed, should be exercised harshly or hastily, or that it should be used at any time to effect the purposes of ambitious men or violent partizans. With this view the committee propose, that the power of changing the charter in reference to the directors of the State Bank and Branches, shall only be exercised by a vote of two thirds of the members of the Senate and of the House. A majority so large will prevent at all times the exertions of any sinister influence either by individuals or parties. If indeed power over a corporation cannot be trusted safely to two thirds of the Senators and to two thirds of the Representatives of the people, we must acknowledge that our system of government is radically bad, that the people are unfit to choose their representatives, and that those representatives are incapable of directing the government of the State.

Another conclusion formed by the committee is this--that all the stock of individuals should be placed upon an equality as to taxation. By the 15th section of the charter, stock on account of which stockholders are indebted to the State, is not subject to the *ad valorem* tax.

The amount of stock for which the stockholders are indebted to the State, is \$255,009 05, for this debt the stockholders pay to the State interest of six per cent. according to section 90 of the charter. According to the statement of the President of the Bank, the average profit of the Bank has been about thirteen per cent. leaving a profit of seven per cent. per year to this class of stockholders. The committee think that the stock thus profitable should be taxed. This class of stockholders makes per year, after paying interest to the State a profit of \$17,850.—The State tax at fifteen cents on the \$100. would be \$3,825, and there would be yet left a clear profit of \$14,025. If it is said that these gentlemen pay tax on the lands mortgaged, it may with justice be replied, that if those lands are improved, they produce an income, that if unimproved most probably they were bought and are now actually held, on speculation. In either case the owner has an equivalent for the tax on the lands. There is a good cause for complaints with the people, if any exception is made in an *ad valorem* system of taxation, and this cause of complaint is increased when the exception is in favour of speculators in Bankstock, lands and lots.

Another opinion adopted by the committee is, that much of the evil ascertained to exist in the branches, is intimately connected with the sense of independence, peculiar to the Bank as a great monopoly. It is the opinion of the committee that the Legislature should possess the power of forming additional bank districts, and of compelling the State Bank to organize branches in such districts. By the tenth article of the Constitution, the General Assembly may establish branches not exceeding one for every three counties, and the sole question is this, is it proper, that in a new state, only partially settled, the resources of which are scarcely imagined, much less developed, the power of establishing branch banks should be given up for twenty years by the public to an irresponsible corporation, interested in preventing competition and in preserving a monopoly? Such a proposition is too monstrous. The natural and only sensible interpretation of the constitution is, that the Legislature should prescribe the bank districts, from time to time, as the general good might require. If by the charter this power is surrendered, it is our duty to reclaim it. But for the purpose of preventing the imputation even, of any combination of local interest in the establishment of new districts the committee recommend that not more than two new districts shall be formed in any one year; and for the purpose of preventing an increase of branches, beyond the wants of the State, or the ability of the bank, that not more than one new branch shall be organized in any one year without the consent of the directors on the part of the State in the State Bank. Closely connected with the power of establishing additional branches, is the power of increasing the stock in any branch.—The control of this, is now with the Branch directors, and as it is a matter in which their individual interest, as the possessors of the control over a monopoly, may be, and most often will be adverse to the public inter-

est, the committee recommend that this power should be vested in the Legislature, from whom indeed it should never have been taken.

In the opinion of the committee the President and State Directors of the State Bank should be vested with absolute power to prescribe the amount of specie to be kept in the vaults of each branch, and to control the expansion or contraction of the paper circulation of the branches. This is a power which cannot with any safety be intrusted to the branch delegates.

The State Bank of Indiana acts in two capacities. It is the manager of the currency of State, and it is an ordinary money making machine; such are the functions of all English and American Banks. But these functions are entirely distinct and in many respects so conflicting, that the committee are satisfied, that their administration should not be confided to the same persons; especially when those persons are engaged in the mercantile operations of the country.

The State Bank is a bank of issue, and of discount and deposit. As a bank of issue it is entrusted with the creation of the circulating medium, and it is its duty, to regulate the amount of the paper issued by some fixed rule, as well as to take proper measures for its issue upon sufficient security.

As a bank of discount and deposit it is only concerned in the use of the circulating medium, and its business is, to obtain as much of it as possible, and to apply it in such manner as will combine security, with the highest rate of profit.

By the charter the State Bank issues to each branch a certain amount of paper, and may limit the discounts of the branches. But the branch delegates are a large majority—and their interest is so adverse to any action of this sort, that they can only be expected to act in some very strong case; never under ordinary circumstances. So the State Bank may indirectly compel the branches to keep a certain amount of specie. But this too may be, and to a certain extent will always be, inconsistent with the interest of the stockholders and their directors.

It is one of the greatest evils in the credit system, that an inordinate desire for gain continually forces it into excess. The Banks of England and America under the influence of private interests and individual passions are subject to all the excitement of speculation, and to all the thirst for gain which operate on individuals. They are thus led into imprudent and excessive expansions, never required by regular commerce. We all know the great advantages secured in this country and in England by the credit system—a system which has placed that country far in advance of all European States, and has enabled our own, to follow in the progress to greatness in commerce and in manufactures, and in the development of all our resources, with an energy unsurpassed, and a rapidity unequalled.

This system is almost unknown on the continent of Europe. In January 1837, the situation of the Bank of France was as follows: Specie \$21,600,000. Circulation \$46,200,000. Discounts \$31,000,000. Nearly at the same time, the banks of the State of New York had in

specie \$6,225,000. Circulation \$21,125,000. Discounts \$73,000,000. And Pennsylvania, excluding the Bank of the United States, had \$3,875,000. Circulation \$10,932,000. Discounts \$35,000,000. The Bank of the United States had specie \$7,650,000. Circulation \$15,500,000. And discounts \$60,000,000. The Bank of France is the only institution in that country issuing paper for circulation; and the above statement will show how limited the credit operations of that great country are, when compared with those, of one of our large States. The committee believe, that it will conduce to the public advantage, inasmuch as it will lessen the power of private interest, to give an absolute control over the amount of specie, and over the issue of paper, to the Directors on the part of the State. These gentlemen are bound by their official obligations to look only to the general good. They are officers of the State holding their offices at the pleasure of the Legislature. The people through their Representatives can influence and direct them. The Branch Delegates are irresponsible to the public. The State Directors are responsible. It is the opinion of the committee that these gentlemen when thus made responsible directly, will faithfully discharge their duties, and secure to the public at all times, a fair proportion of specie for the discharge of the liabilities of the bank, and at the same time, prevent all those expansions and contractions, which all admit to be so ruinous. It is true the bank will not make so great profits. But its credit will be more sure, and the enterprise and industry of its customers will more safely rely on its support. It has been generally asserted, that the operations of the Indiana branches have been directed with more than usual prudence; and the results produced by the combinations of certain items in bank accounts will sustain the assertion. Nevertheless, its truth may be well doubted. It is the opinion of the committee that the only true test by which to ascertain the true situation of banks as of individuals, is the comparison of the actual capital with the actual investments. If A having \$1000 only for his capital, gives \$5000 for a house, we know he must be in debt \$4000. So if a bank with a capital of \$1,845,000 invests \$4,221,000, we know that it must be in debt the amount of the difference, deducting any surplus fund; and according to the report of the State Bank of Indiana, given by the Secretary of the Treasury, September 1837, its capital was \$1,845,000, and its surplus fund \$250,000, making together \$2,095,000, and the amount of its investments was \$4,231,000. The balance is \$2,136,000, or more than one hundred per cent. on its capital and surplus fund. This is a very fine situation when compared with the southern banks. But it is a very little better than the situation of one of the Tennessee banks, or than that of the Commercial Bank of Cincinnati; and not so good as that of the Franklin Bank of Cincinnati, of the Kentucky banks, or of the New York banks taken together. To prevent a misconstruction, it may be well to observe that no notice is taken of the specie on hand, because that cannot alter the result; if added to the one side it must be brought in on the other. If counted as money on one hand, it must also be counted an investment in specie. The annexed table will show the situation of some of the banking institutions of the United States, when compared with

our own, and perhaps may induce the State Bank Directors hereafter to resist all the temptations offered by large public deposits and an extensive circulation.

In connection with the investigation submitted to them, the committee have been compelled to look to some other subjects.

It has been said that restrictions of the sort contemplated, will be regarded by the individual stockholders as injurious to their interests, and for that reason will be rejected by them. But whatever may be the expression of opinion on the part of the officers of the bank or branches, whatever may be the feelings of those who have speculated deeply in bank stock, we know that the large portion of the stockholders are identified in interest and in feeling with the public. That indeed these, took the stock because they were made to believe, that the bank as constituted was a safe institution and would be a public blessing. They took the stock as an act of duty, and not with the expectation of great profits. This large portion of the stockholders will be pleased at all reasonable and proper amendments and restrictions; and aided as they will be by public opinion, they will look down all opposition from speculators and bank office holders.

But for the purpose of doing justice to any who may seriously and honestly object to amendments, the committee recommend that the State Bank purchase at par for the State, and for the benefit of the Internal Improvement fund, the stock of any wishing to sell, until the individual stock in each branch shall be reduced to the constitutional requisition, \$30,000.

The attention of the committee has been necessarily drawn to the consideration of the resumption of specie payments: and in connection with that, to the question, will it be beneficial to enlarge the capital of the bank now? The committee think it inexpedient, that a day certain should be fixed for a return to specie payments. Resumption will not depend on the ability alone of the bank. Its safety will be involved, and this may depend on circumstances which we cannot foresee and most probably could in no manner influence. At the same time the bank might be, and most probably is so interested, in continuing in its present situation, that it would be improper to have the decision with it. It is the opinion of the committee that this matter may be left with the utmost safety to the determination of the Governor. Let him be authorized at any time to issue his proclamation requiring the bank to resume. There is no danger that he will do it too soon—and we have every reason confidently to trust, that whenever it should become evidently proper, he will do it—at all events in nine months more—then the Legislature will again be in session.

There is every reason to believe that our State has not had enough Bank capital; at all events we are far behind most of the States. On the 1st January, 1836, the bank capital was, in Illinois, \$2,800,000; in Kentucky \$9,250,000; in Ohio \$12,900,000; in Virginia \$6,700,000; in Maryland \$29,100,000; in New Jersey \$7,600,000; in Rhode Island \$9,000,000;

in Delaware \$1,200,000; in Vermont \$2,200,000; in New York \$37,000,000; and in all New England, which has only about three times our population, \$69,000,000. If Delaware is taken as a criterion, and we assume that that State is as wealthy in proportion to its numbers as Massachusetts, of which State we know very accurately the population and amount of taxable property, that is to say, twice as wealthy as the State of Indiana, and that consequently we can only bear safely half the amount of bank capital; in proportion to numbers, it will result that as Delaware has, for about eighty thousand inhabitants \$1,200,000 bank capital, Indiana, with more than eight times the population, should have at least four times the bank capital, or \$4,800,000. A similar comparison made as to any other of the States, will only show more strongly the relative disproportion of our bank capital. An increase of bank capital on the part of the State will at this time secure many important advantages to the people. Between the first of April last, and the 23d December last, the State Bank has reduced its circulation \$210,000, and its discounts \$894,000. We all know, for we have all severely felt the consequences of this reduction; we all know too, that the people are burthened with a vast debt, contracted when all the products of their industry was at a high price, when the pork which they now sell at three dollars per hundred was expected to bring, for at that time such pork did bring, five dollars per hundred. If we wish to prevent a further reduction of bank accommodation—if we desire to give to the enterprise and industry of the country an opportunity to recover from the present prostration without further loss, we can only succeed by an increase of State capital, to be paid for in the bonds of the State, at five per cent. interest, and redeemable within ten years after 1858, the profits over and above the interest to be appropriated to the Internal Improvement Funds. These bonds, when negotiated east, will pay so much of our debt to the eastern merchants, and thus prevent a further drain of money from this State. Thus provided too, the bank can at once put its discounts up to the amount on the 13th of May last, \$1,208,000, and increase its circulation to the amount on the same day \$2,516,000. An operation which would at once enable every man of ordinary prudence and of common industry to wind up his business with ease and safety. The committee recommend an increase of State capital in the present eleven branches, to the amount of \$100,000 each, making together \$1,100,000. The capital on the 23d December last was \$1,900,000; this addition will make it \$3,000,000. According to section 22 of the charter, after January, 1844, it is in the power of the State to prohibit the circulation of notes of a less denomination than ten dollars. If our bank capital is increased now, and hereafter in proportion to the wealth and business of the State, it is more than probable that it will be advantageous to exercise this power previous to 1844. At the same time observation must teach us that, at this time, the prohibition of the issue of notes under five dollars, only serves to flood the State with the small notes of other States. It is the opinion of the committee, that the issue of one and three dollar notes by the State Bank to

a limited amount, say \$150,000, and for a limited time, say two years, would exclude the circulation of the small notes of other States, and would also afford to the bank great relief upon a return of specie payments, by lessening the call for specie for change. With this view, the committee recommend that the legislature reclaim the power of restricting notes under ten dollars from the 1st day of January, 1840, and authorize the bank to issue and circulate until the 1st day of March, 1840, \$150,000 in one and three dollar bills.

The committee have examined the reports of the Sinking Fund Commissioners, and find that loans to the amount of \$85,764 47 have been made in counties not named; and that \$497,167 31 have been loaned in 44 counties; and that of this last sum much more than one sixth, \$86,355 has been loaned in Marion county alone. The committee recommend that the commissioners be directed to take effective measures to call in as fast as practicable, the loans in Marion county; and also to divide their loans as equally as possible to all the counties in the State, in proportion to population.

It is proper for the committee to state, that at the time the interrogatories were prepared, it was unanimously determined to recommend to the House that the answers of the branches to those of the interrogatories which required the names of individuals, should be considered as confidential, and should not be made part of the Journal, or published, unless so ordered to be, expressly, by the House. The committee are happy to state that the answers of the Terre Haute, New Albany, Madison and Fort Wayne Branches are full and complete, and show that the officers of those Branches understand their business, and do not dread investigation. That the answers of the Branch at Richmond show that that Branch has been managed with great prudence and moderation, and are full as to all but the 35th interrogatory, and as to that refer the committee to Achilles Williams, until lately its President, and now one of the representatives from Wayne county. But the committee was satisfied without examining Mr. Williams. The committee have been disappointed in not receiving full answers from the other Branches, and lament that the Lafayette Branch does not answer at all the 35th and 38th interrogatories; and that the Vincennes Branch does not at all answer the 35th and 38th interrogatories; and that the Lawrenceburgh Branch does not answer the 10th, 34th and 35th interrogatories; and especially the committee lament that the Branch at Bedford declines to answer the 12th, 35th, 36th and 38th interrogatories; that the Branch at Indianapolis has answered the 35th, 36th, 37th and 38th evasively; and that the Branch at Evansville has answered the 11th, 12th, 16th, 17th and 18th interrogatories evasively, and has refused to answer the 35th.

Document A. exhibits the rates of exchange of the Branches as stated in their answers.

Document B. shows the capital and investments of certain Banks referred to in the report.

Document C. exhibits the variations in the situation of the State Bank of Indiana.

All of which is respectfully submitted.

SAMUEL JUDAH, Chairman
MARKS CRUME,
E. M. CHAMBERLAIN,
GEO. M. PROFFIT.

January 29, 1838.

Statement showing the Rates of Exchange on Bills bought and Premiums on Bills sold, as charged by the several Branches of the State Bank of Indiana, to wit:

Bills bought.

Date.	Where payable.	Time.	Exchange.	Date.	Where payable.	Time.	Premium.
1837. Jan. 1.	New Orleans		1 $\frac{1}{2}$	1837. Jan. 1.	New York		1
	New York		1		Louisville		$\frac{1}{2}$
	Philadelphia			April 1	New York		1
	Cincinnati				Cincinnati		$\frac{1}{2}$
	Louisville		$\frac{1}{2}$		Louisville		"
	New Albany		"		Terre-Haute		"
	Vincennes		$\frac{1}{2}$	July 1.	New York		1 $\frac{1}{2}$ to 2 $\frac{1}{2}$
April 1.	New York		1		Cincinnati		1
	Louisville		$\frac{1}{2}$		Louisville		1
	Vincennes		"	Oct. 1.	New York		3
	Terre-Haute		"		Cincinnati		1
	Lafayette		"				
July 1.	Philadelphia		1				
	Cincinnati		$\frac{1}{2}$				

Indianapolis	1
Oct. 1. Cincinnati	1
Louisville	1
New Albany	1
Terre Haute	1

1 to

BRANAH AT NEW ALBANY.

405

<i>Bills bought.</i>				<i>Bills sold.</i>		
Date.	Where payable.	Time.	Exchange.	Date.	Where payable.	Time.
1837.				1837.		
Jan. 1.	Louisville	60 days	$\frac{1}{4}$	Jan. 1.		Sight check.
Do	Do	120 "	$\frac{3}{4}$	April 1.		Do.
Madison	Baltimore	129 "	1	July 1.		Do.
New Orleans	New Orleans	4 mo.	1	" 8.		Do.
Mobile	Mobile	"	2	Oct. 1.		Do.
New York	New York	"	$2\frac{1}{2}$			Do.
Natchez	Natchez	"	$\frac{1}{4}$			Do.
April 1.	Louisville	60 to 90 days	2			
Do	Do	4 mo.	$\frac{1}{2}$			
New Orleans	New Orleans	90 to 120 days	$\frac{3}{4}$			
Mobile	Mobile	"	2			
Natchez	Natchez	"	$2\frac{1}{2}$			
Cincinnati	Cincinnati	30 to 90 days.	2			
Vincennes	Vincennes	60 to 120 "	1			
Baltimore	Baltimore	90 to 120 "	1			
New York	New York	30 "	$\frac{1}{2}$ to 1			
July 1.	Louisville	4 mo.	$\frac{1}{4}$			
Pittsburgh	Pittsburgh	"	$\frac{3}{4}$			
			1			
						Premium.
						$1\frac{1}{2}$
						$1\frac{1}{2}$
						$1\frac{1}{2}$
						3
						2
						$2\frac{1}{2}$ to 3
						3 to $3\frac{1}{2}$

Oct. 1.	New Orleans	1 mo.			3
			90 to 120 days	1 to 3	
	Louisville	60 to 120	"	1 to 3	1
	Pittsburg	90 to 120	"	1 to 3	1
	Madison	90			1
	Wheeling				1

BRANCH AT MADISON.

407

<i>Bills bought.</i>				<i>Bills sold.</i>			
Date.	Where payable.	Time.	Exchange.	Date.	Where payable.	Time.	Premium.
1837. May 1.	New Orleans Kentucky Ohio		1 to 1½ ½ to 1 ¼ to 1	1837. April 1. July 1.	Eastern checks Do Southern		1 to 1½ 2 to 2½ 4 to 10 & 15 discount
June 1.	Interior Bran- ches Indiana New Orleans Natchez Eastern		½ to 1 5 10 to 20 par.	Oct. 1.	New York Philadelphia		3½ to 4 prem 3
1838. Jan.	New Orleans		3				

BRANCHI AT LAWRENCEBURG.

[illegible]

BRANCH AT RICHMOND.

<i>Bills bought.</i>				<i>Bills sold.</i>		
Date.	Where payable.	Time.	Exchange.	Date.	Where payable.	Time.
	Indianapolis		1		Cincinnati	
	Cincinnati		$\frac{1}{2}$		Eastern	
	Columbus		$\frac{1}{2}$			
						Premium.
						par to $\frac{1}{2}$
						2 to 3

BRANCH AT INDIANAPOLIS.

410

<i>Bills bought.</i>				<i>Bills sold.</i>		
Date.	Where payable.	Time.	Exchange.	Date.	Where payable.	Time.
1837.	Cincinnati	4 mo.	1 to 14	1837.	New York	1 $\frac{1}{2}$
	Madison	"	"	April 1.	Western	$\frac{1}{4}$
	Lawrenceburgh	"	"	July 1.	New York	2
					Western	$\frac{1}{4}$
				Oct. 1.	New York	3
					Western	$\frac{1}{4}$

BRANCH AT BEDFORD.

<i>Bills bought-</i>				<i>Bills sold.</i>			
Date.	Where payable.	Time.	Exchange.	Date.	Where payable.	Time.	Premium.
					New York		3 to 4
					Louisville		$\frac{1}{2}$ to 1
					Cincinnati		" "
					Ind. Branches		" "

TERRE HAUTE BRANCH.

<i>Bills bought.</i>				<i>Bills sold.</i>			
Date.	Where payable.	Time.	Exchange.	Date.	Where payable.	Time.	Premium.
1837.	New Orleans. Louisville. Cincinnati. New York Philadelphia.	4 mo.	2 1/2 to 1 " to 1 " to 1/2 " to "	1837. April 1. July 1. Oct. 1.	New York Philadelphia New York Philadelphia New York Philadelphia Cincinnati Louisville		1 1/2 1 3/4 3 3 3 3 3 3 1/2 4

BRANCH AT LAFAYETTE.

413

<i>Bills bought.</i>				<i>Bills sold.</i>			
Date.	Where payable.	Time.	Exchange.	Date.	Where payable.	Time.	Premium.
1837	All Bills.		par to $\frac{1}{4}$	1837 June 1	Eastern Cincinnati	30 ds. sight.	1 $\frac{1}{2}$
				April 1	Eastern Cincinnati		1 to “
				July 1	Eastern Cincinnati		1 to 1“
				Oct. 1	Eastern Cincinnati		2 to 3 $\frac{3}{4}$

DOCUMENT B.

COMPARISON OF BANK CAPITAL AND INVESTMENTS.

Banks.	Capital & contingent fund.	Investments.	Excess.
State Bank, Indiana	\$2,095,000	\$4,231,160	\$2,136,160
Commercial Bank Cincinnati	1,010,000	2,365,000	1,355,000
Franklin Bank, Cincinnati	1,125,000	1,828,000	703,000
Northern Bank Kentucky, Lexington	1,086,000	2,115,000	1,029,000
do do Louisville	675,000	1,079,000	404,000
Bank Kentucky, Louisville	4,586,000	6,186,000	1,600,000
Union Bank Tennessee	2,672,000	5,160,000	2,488,000
Planters' Bank do	2,393,000	4,637,000	2,244,000
New York Banks	35,623,000	66,630,000	31,007,000

DOCUMENT C,

Table showing the Capital, Discounts, Circulation and Specie of the Bank at different periods.

Date	Capital.	Discounts.	Circulation.	Specie.
Jan. 1, 1835,	\$800,000	\$529,843 75	\$456,065	\$751,083 29
April 4, do	800,000	1,085,261 87	879,000	632,800 80
July 11, do	800,000	1,228,224 82	1,186,795	723,584 47
Oct. 3, do	800,000	1,496,638 24	1,361,430	700,201 85
Jan. 9, 1836,	1 279,857 78	2,304,683 19	1,981,650	874,340 25
April 2, do	1,279,935 90	2,768,384 56	2,101,065	995,463 09
July 9, do	1,279,921 88	2,776,905 87	2,057,300	1,096,820 28
Oct. 3, do	1,310,000	2,747,155 57	1,834,310	997,118
Jan. 7, 1837,	1,782,813 50	3,914,933 53	2,157,595	1,236,164 35
April 1, do	1,824,921 88	4,314,825 13	2,498,960	1,177,776 96
July 8, do	1,845,000	3,821,561 12	2,475,385	1,112,719 44
Sept. 30, do	1,845,000	3,562,491 67	2,378,075	1,158,887 72
Dec. 23, do	1,900,687 50	3,520,163 35	2,288,458	1,291,265 42

The above is truly extracted from the "General Statement of the State Bank of Indiana and Branches."

S. MERRILL.

Jan. 23, 1838.

January 1st, 1838, John B. E. Reed, being sworn answers as follows:

Ques. Have you lately sold to the Branch at Indianapolis of the State Bank of Indiana any bill or bills of exchange. If any, state their amount, date &c?

Ans. On the 15th of October last, I sold to said Branch one bill for \$500: about the 10th November last, another for \$4000; about the 20th last month, another for \$1000. The first made payable at the Trust pany Bank at Cincinnati, as he believes: the second at Madison and the third at Madison also. He desired to have the privilege of paying those bills at the Branch Bank at Indianapolis.

The answer to this request was that the bills would be retained at the said Branch Bank, for him to pay them or so that he could have an opportunity of so doing.

The bills had about four months to run. It was also agreed that he might renew the second bill for four months longer by paying one fourth at maturity.

The rate of exchange paid upon the first bill in addition to interest was one and a half, and upon others one and a fourth per cent.

These arrangements were made with the President, Mr. Bates, except that two of the Directors concurred, Messrs. Harrison and Williams.

The transaction was commenced by a request on the part of the deponent, that the Bank would discount a note which was declined by the Bank, but they agreed to accommodate him on bills of exchange.

Question. Was it understood, by all parties, that you had no funds at Cincinnati or Madison to meet those bills?

Answer. I presume it was.

The reason which the Bank assigned for refusing to discount a note for the deponent, was that they did not do business in that way.

JOHN B. E. REED.

Bethuel F. Morris, being sworn, answers as follows:

He is the Cashier of the Branch of the State Bank at Indianapolis.

Question. Has said Branch at any time had on deposite any funds of the Insurance Company at Indianapolis?

Answer. Not in the character of a deposite.

Question. Was there any amount of Morris Canal Bank paper placed by said Insurance Company in said Branch Bank?

Answer. There was an amount so placed, and Indianapolis Branch Bank paper given in exchange therefor. The amount is not recollected.

Question. Is there any book in the Indianapolis Branch Bank, which exhibits any transaction except ordinary discounts?

Answer. The discount book exhibits ordinary discounts made by the exchange committee.

And the examination of the witness was suspended for the present and until Wednesday next.

JANUARY 1st., 1838.

William N. Hood, being sworn, states as follows:

In February or March, 1835, he was one of the endorsers of a note having ninety days to run, dated in February or March aforesaid, and for \$650 or 750, negotiable and payable at the Branch of the State Bank at Lafayette, drawn by Stewart and Wallace. That in August, understanding that said note was in the said Branch Bank, he called in the morning early and before bank hours, and enquired of the Cashier of the situation of said note, who refused to give any satisfaction. That on the same day, and within bank hours, he called at the bank for information, but the Cashier became angry, and refused to give any satisfaction, but he ascertained from the teller that said note had been discounted at the last meeting of the Board of directors. He notified the Cashier that he would not be responsible for the payment of said note as it had not been discounted during the time it had to run. That soon afterwards the note was sent to him, having been paid as he supposes by some one unknown to him.

WM. N. HOOD.

JANUARY 2nd, 1838.

Elisha Long, being sworn, states that he is a Canal Commissioner on the White Water Canal. That the Branch of the State Bank at Law-

renceburgh pays expenditures upon the works under his control. That the same has been paid in paper upon the several branches of the State Bank, and paper upon the banks of Ohio, Kentucky and Illinois and in the checks of Goodman & Co. of Cincinnati, upon the Branch of the State Bank at Madison. These payments were made at par. The contractors made objections to the Illinois paper, but nevertheless reluctantly received it. He gave the contractors drafts upon said Lawrenceburgh Branch, and on the draft the money was paid by the said branch. Said checks of Goodman & Co., were of denominations less than four dollars.

ELISHA LONG.

Thomas C. Anthony, of Delaware county, being sworn, states, on the 25 December, 1836, he called at the Branch of the State Bank at Richmond, and saw two individuals receive about \$500 each on the check of Robert Morrison, the Commissioner of the Sinking Fund, as he believes. He was there to loan some of the Sinking Fund, and seeing the transaction above stated, and seeing that the said checks were paid in miscellaneous Ohio paper, he went to see the said Morrison to apply for a loan of sinking fund money and to ascertain if land office money could not be had. Mr. Morrison answered that it could not be had, for that the Fund Commissioners had deposited no other funds than funds of the description which the witness had seen the bank paying out as aforesaid. Mr. Morrison afterwards stated that the bank had purchased of John Spencer a considerable amount of unbankable paper, that they had given him more than he would have given him for it, and that he (Spencer) had been able thereby to make a larger profit.

THOS. C. ANTHONY.

Charles H. Test, being sworn, states, that during the last fall, about the middle or last of November, having a deposit in the branch at Law-

renceburgh, he had occasion to check out some small sums, one of which was partly paid to him in the checks of Goodman & Co., payable to Enoch D. John, the Cashier of the Lawrenceburgh branch as he believes. They were of the denomination of one dollar. He is not certain they were payable to E. D. John, but is of that impression.

CHARLES H. TEST.

Thomas H. Blake being sworn, says he is Acting Commissioner on the Cross-cut Canal and Wabash River. That payments have been made for expenditures under his direction until within the last two or three months at the Branch Bank at Lafayette. That for the last two or three months such payments have been made at the Terre Haute Branch.

When the first payment was to be made by the Terre Haute Branch, an officer of the Bank stated to the witness, that he could not pay unless some Illinois paper would be received, which he refused to receive and declared his intention to draw upon the Fund Commissioners, and negotiate the draft as he could.

He was then informed by the cashier that he should have State Bank of Indiana funds, and since then he has been accommodated with the last named kind of funds and small sums in specie.

The course of the Terre Haute Branch in reference to Illinois paper has been very oscillating, sometimes receiving the same at par, and sometimes at a discount.

THOS. H. BLAKE.

John Livingston being sworn states, that on or about the 15th of September, he applied to some of the directors of the Branch at Indiana:

polis for a discount to take up a draft drawn on him and Mr. Bolton by A. Fisher of Wheeling. I was told in reply that the bank could not discount. No note was presented for discount, believing it would be useless, as I had been told by several of the directors that no discount would be made.

I was informed that I could be accommodated, by applying to the Exchange Committee, as they would probably purchase of me a draft or bill of exchange. Accordingly I applied to the Exchange Committee and presented to them a bill of exchange at fifty days sight, payable at Evansville. Interest at the rate of six per cent. per annum was charged and one per cent. premium. I regard the whole transaction only in the light of a discount, as the bank took up the draft on myself and Bolton by the purchase of the bill at fifty days sight. The draft was for the amount of 365 dollars, though payable at Evansville, was paid at the bank at this place. I paid for interest and exchange about seven dollars.

JOHN LIVINGSTON.

TUESDAY, JANUARY 9, 1838.

James Davis, of Tippecanoe county, being sworn, states that he is a resident of said county. That there is in Lafayette, in said county, an Insurance Office, commonly called a shaving shop. Cannot say whether or not the Lafayette Branch of the State Bank has loaned said Insurance Company any specie since the 18th of May last.

About two or three weeks ago he had an opportunity to examine the books of said Branch at Lafayette, and ascertained the liabilities of Mr. McCormick, a director therein, to be between forty-three and forty-four thousand dollars, according to the shewing of the cashier. The liabilities of the firm of Stockwell & Reynolds, including their firm and individual accounts, were stated by the cashier to be some sixty thousand, but he has since understood and believes that said amount was considerably overstated. Mr. Stockwell, of said firm, is a director of said branch. The liabilities of Thomas T. Benbridge were for upwards of twenty-one thousand dollars, as shewn by the cashier.

JAMES DAVIS.

Benjamin Henkle being sworn states, that he was in the Branch Bank at Lafayette about 25 months, ending two months ago, as clerk. That there was a loan made to the Lafayette Insurance Company since the 18th of May last, of about 5000 dollars. There had been a deposit made in the Insurance Company of said sum, at six per cent., which the State Board required to be withdrawn, and for the purpose of enabling the Insurance Company to pay the same, the three notes of several individuals; some of whom are officers of the Insurance Company, were discounted for the amount. Since the 18th of May last, sums of specie have been paid to individuals who had either deposited specie, or contracted for payment in specie before said 18th of May last. Said Bank often purchases Bills of Exchange—some on New York, some on Cincinnati, and some on Indianapolis. The exchange charged for exchange on Indianapolis, on bills having six months to run, was one and a half per cent. besides interest deducted. Those bills drawn on Indianapolis were subsequently paid at the Lafayette Branch. One of these bills was purchased about a year ago; the other was purchased in March or April last. They were for \$4,500 each, and were discounted by the full Board. There was also a bill purchased in Lawrenceburgh, which was paid at Lawrenceburgh. Of the drafts purchased on other places a small proportion only were paid in Lafayette. The amounts of exchange purchased by said Lafayette Branch upon Indianapolis were not drafts, but promissory notes made payable at the Indianapolis Branch. Said Lafayette Branch has often purchased notes of the banks in Illinois, Michigan and Ohio, at two per cent. discount. This was, for a time, a daily habit. Such paper was afterwards paid out at par on the checks of the customers of the Bank. Some southern bank bills were also purchased at 5 per cent. discount, and were afterwards paid out in the same way. About the time of suspending specie payment this practice was discontinued. Notes were several times discounted, with the understanding that these bills of foreign banks should be received by the borrowers at par. He knows of \$2700 being thus loaned on discount. Since he has been in the bank there were times when the attendance of a quorum of the Board could not be had, and then they authorized less than a quorum to do business, and they discounted notes to considerable amounts; and on amounts for more than \$500. The amount of about 130 thousand dollars I should suppose have been discounted for the officers of said Branch at Lafayette; the entire amount of discounts being 450 thousand. The said sum of 130 thousand was discounted for the accommodation of the said officers. The entire amount of Mr. McCormick's accommodation, as drawn, is now ten thousand five hundred dollars and a little over.

BENJAMIN HENKLE.

THURSDAY, January 11, 1838.

Benjamin Henkle being again called and examined, states, that there was a loan made by the Cashier of the Branch Bank at Lafayette, to Messrs. Taylor & Marshal, of 1000 dollars, without any order of the Board of Directors.

The evidence which he has of this fact is this: During the absence of the Cashier on February last, the witness had charge of the cash, and found a deficit of 1000 dollars, and there appeared amongst the cash a note for 500 dollars, bearing interest at 10 per cent. signed by Taylor and Marshal, payable to James White, and a check for the same amount on the Branch at Lafayette, signed by James White. Mr. White, the Cashier, afterwards admitted that the same were evidence of a loan made by him without the authority of the Board of Directors, to Taylor & Marshal. The date of said note and check was the 31st of January, 1837.

A report of the State of the Bank was made to the Branches of the State Board subscribed by Mr. White, on the 25th of February last, said deficit existing at the time. Said report stated the cash in bank to be more by 1000 dollars than there was in bank. Mr. White stated that said deficit existed until the last of March last.

Mr. Merrill, the President of the State Bank, did not examine said Branch at Lafayette during the time when this deficit existed, but did in May following. Mr. Merrill was at Lafayette in August following, and was then made acquainted with the transaction, being informed thereof by the witness. Mr. Merrill expressed his disapprobation of the transaction. Witness knows that it was the practice of Mr. White when he wanted money, to take of the funds of the bank, and to leave his own check for the amount among the cash, and count it as cash. He also knows that the bank intrusted Mr. Sherry with money to take to Cincinnati, who used 2000 dollars thereof, and to secure the bank made some memorandum of a transfer of stock to the bank, to the amount of 1300 dollars, which was counted and reported as cash by Mr. White.

At a time when the bank had discounted to the extent of their power to discount according to the charter, accommodation was wanted by some customers of the bank. The Messrs. Wallace were permitted to draw upon New York for \$4000, Mr. Coleman \$4000, Webb and Shoemaker for \$5000, and Huffman and Sloper for 1200 dollars. The bills were drawn upon persons living in the vicinity of the branch bank at Lafayette—the understanding was that their bills should not be sent to New York for collection, but that they would be paid at the Lafayette Branch. These bills were discounted at one and a half per cent., besides interest. They were to run ninety days, and for a time were counted as cash, until there were charged to the Merchants' Bank, New York. He is of the opinion that they were counted as cash at the time when a report of the state of this bank was made, but whether it was in the summer of 1836, or in last winter, he cannot say certainly, but he believes in 1836, in the summer. Mr. White was Cashier at the time. These bills were purchased without the authority of a quorum of the

Board. Mr. Coleman was a director at the time; the other drawers were not. The arrangement was proposed by the Cashier and sanctioned by four of the Directors, who were consulted, but what evidence the minute book of the bank may furnish of the matter he knows not. These drafts were paid at maturity by a regular discount of the notes of the drawers. The bank paid, to the drawers of these bills for the same, drafts upon New York. At the time of this transaction there was but \$3000 which could be discounted within the limits of the charter, and that sum was paid to Mr. Franklin Merrill, upon a note of his discounted, and therefore the said bills were purchased at a time when the bank had discounted to the extent of the charter. At the next meeting, the bank having funds, discounted notes. He is under the impression that there was no quorum of Directors present at the last meeting, nor at the time when Mr. Franklin Merrill's note was discounted. He believes that at each time there was no quorum of the Board within the county, but were absent on business at a distance.

Examined by Mr. Marshall.

At the time of the existence of the deficit of \$1,000 first above named, the witness was clerk in said Lafayette Branch Bank, the witness first became acquainted with the fact on the 18th of February, nor did he know of the same until after the first session of the board after the 31st of January aforesaid, nor did he make the same known to the board at the first meeting of the board after the same came to his knowledge. He mentioned to several of the members of the board in April, following, and on the 18th of last September, he preferred charges against Mr. White before the board for said transaction at which time, also he was clerk of the Bank. Their was an investigation before the board and the witness was then a witness as was also Mr. Taylor of the firm of Taylor and Marshal named above. The board, for the purpose of smuggling the transaction, allowed Mr. White to appoint a committee to investigate the matter who made no report. The witness protested against the proceeding and refused to give his evidence before the committee. The matter was then brought before the board and a resolution that the charges were sustained failed on account of the absence of two of the members of the board who were of opinion that the charges were sustained. The witness is not now an officer in the bank.

Question by Mr. Marshal. Have you reason to believe that there was in said transaction any fraud and did the cashier Mr. White, profit by it? state the particulars.

Answer. I think there was fraud in the matter, because Mr. White had no right to profit by the use of the funds of the Bank and Mr. White has since stated that during the time of his absence for about a week, the clerk of Taylor and Marshall was employed as a clerk in the bank, and that Mr. Taylor charged nothing for the services of his clerk, and Mr. White charged no interest on the said note and check. During the time of this transaction, in the absence of Mr. Curtis, the Secretary, Mr. White was acting Secretary and a director of the Lafayette Insurance Company, and the directory of the Insurance Company held their meetings in the banking house frequently. During the absence of Mr. White

above mentioned, Mr. White was attending a meeting of the State Board, and received three dollars per day as such in addition to his salary as cashier. The witness states that there is a difficulty and misunderstanding between himself and Mr. White.

Question by the Chairman. Explain that difficulty.

Answer. Mr. White preferred charges against the witness before the Board, which charges failed. Mr. White followed up this attack by other acts of hostility, and thus the difficulty commenced. Subsequently another board dismissed the witness from office without charges.

The charges made by the witness against Mr. White the cashier, were brought forward thus. The witness stated the facts to some of the members of the board, and the majority of the board then directed or requested him to bring forward the charges.

BENJ. HENKLE.

JANUARY 12, 1838.

William M. Jenners being sworn, states, that on the 13th day of June, 1836, his connection with the branch of the State Bank at Lafayette as an officer terminated, previous to which he had been first clerk, and then cashier.

During his time of service as an officer of said branch, two notes payable at other places than said branch, were purchased by the exchange committee of the board of directors at one per cent. discount, besides interest. Said notes were for three hundred dollars each, payable one at Cincinnati and one at Indianapolis, and intended so to be, and had six months to run.

Do you know of any other notes being purchased by this exchange committee at a greater rate of interest than six per centum?

I do know of the purchase of both bills and promissory notes purchased by the exchange committee who charged interest at six per cent. and a premium of one or two and a half per cent. besides. I recollect one note for \$5,000 drawn by one Henry Ensminger, six months to run, and not a business note as I believe, which was purchased at three per cent. exchange or discount in addition to interest.

Do you know that the Lafayette branch at any time sold specie?

Ans. No.

Do you know that any improper advantages have been enjoyed by the directors of the branch in the way of bank accommodation?

I do think that the directors had such advantage; while I was in the bank, they had an undue proportion of the accommodation, in the discount of their own and customer's notes.

WILLIAM M. JENNERS.

James M. Darragh being sworn and examined, states:

Are you a director of the branch at Lawrenceburgh?

Ans. I am and have been so for more than two years.

Do you know whether any specie has been sold by your branch since 1st Jan. 1837?

Ans. If any I cannot recollect.

Do you know of any transaction in specie of your branch with the Ohio Life and Trust Company?

The Trust Co. owes a specie debt of \$40,000 or \$50,000, but I do not recollect the mode in which it accrued.

Do you know that your branch at some time during the year 1837, sold to or loaned or deposited with the Ohio Life and Trust Co. an amount of specie?

Ans. I do not.

Have you been conversant with the business of your branch since the November meeting of the State Board?

I have been.

How have the loans made in your branch under the order of the State Board in November been made?

Ans. Some on notes—some on bills—more on bills than on notes.

At what rates have the bills been bought?

Ans. For bills on the east $\frac{1}{2}$ to 1 per cent.; on New Orleans 5 per cent.

Do you know of a transaction with a gentleman at Madison for the purchase of bills.

Ans. The bank purchased two bills for \$5,000 each, at six month's time, on New York, drawn by two gentlemen of Madison, and endorsed by the President and Cashier of the Lawrenceburgh Branch at one per cent. discount.

Is there any mutual understanding among the directors or a majority of them of the Lawrenceburgh Branch, in relation to the bank accommodations to themselves or to stockholders?

Ans. The first arrangement that I know any thing about, was, that the stockholders, whenever the business of the Bank would permit, should have discount to the amount of their stock, without being called upon to curtail, the paper being always well secured. About one year ago, the

arrangement was changed, and stockholders were permitted to have one and a half the amount of their stock on the above terms. It is now understood that stockholders will pay up one-eighth of the excess of their discount over once the amount of their stock. This arrangement was subject to change as the interest of the bank might require.

To what calls have persons not stockholders been subjected?

Ans. Sometimes a fifth; now an eighth. It has been an eighth since the first of January last.

It is said that in the sale and transfer of stock at your branch, it has been usual for the purchaser to make a note properly secured, and offer it for discount, with a general understanding that the proceeds should go to the payment of the vender's note in Bank. Is it so?

Ans. Such things have been done.

Do you know of any arrangement made immediately previous to the payment of the additional stock, for the discount of notes by the bank to enable the holder of additional stock to refund money borrowed to make first payment?

Ans. I know nothing of the kind of my own knowledge.

Immediately after the payment of the additional stock, do you know that any amount was discounted for the additional stockholders?

Ans. I cannot state with any certainty; but think there was an amount of such discounts.

Do you know of any arrangement between your branch and Goodman & Co., respecting their one dollar checks, or that said checks have been paid out at your counter?

Ans. I do not. I understood the expression of the board of directors to be, that the officers should not have any thing to do with those checks.

Is there any arrangement on the part of your branch with the Ohio Life and Trust Co., relative to the checks of that Co. payable at your branch twelve months after date?

Ans. The Trust Co. requested permission to make their checks payable at the branch; but the branch not to be bound in any manner or form.

Have those Trust Co. checks been received at your Branch?

Ans. Only on general deposit within my knowledge.

Have those checks been paid out at your branch.

Ans. Not to my knowledge.

Do you know of what denomination those checks are?

Ans. I have seen them for \$20 only.

J. M. DARRAGH.

J. S. Ferris being sworn says:

Do you know of any sale of specie by the Lawrenceburgh branch?

Ans. I do not. I have had special deposits of specie in the branch and checked for them as such; but know of no sale of specie by the branch.

Do you know of the discount of stock notes by the branch since the additional stock was subscribed?

Ans. I bought stock of Mr. J. P. Dunn, who agreed to take my note payable in bank at ninety-six days, for the amount of the stock and part of the premium on the stock. That note was discounted, and he told me at the time it was to take up a note of his in bank.

J. S. FERRIS.

JANUARY 11, 1838.

James H. Lane, of Dearborn county states, that in doing business with the branch bank at Lawrenceburg, the officers of the bank once paid to him small sums in the checks of Goodman & Co.

The witness has borrowed money in the ordinary way of discount with the understanding that the same should be renewed. But at the time when such notes became due, there was a refusal to renew the same, but they proposed buying a bill of him. He drew on Cincinnati, and at the maturity of the bill, he was suffered to renew the same by another bill on Cincinnati. He does not recollect the precise amount of interest and discount, but the entire amount was from nine to thirteen per cent.; sometimes more; sometimes less; but always between those amounts. The direct understanding was, that the witness had no funds at the place where they were payable.

J. H. LANE.

Wm. Thomas Chappel being sworn, says:

What station do you hold in the Lawrenceburgh Branch?

Ans. Teller, since the commencement of the bank.

Do you know that your branch, during the year 1837, sold any specie in sums over 100 dollars?

Ans. Yes. Early in 1837 there was a sale of specie to the Lafayette Bank at Cincinnati about 25,000 dollars in February or March, at least before the suspension; 10,000 dollars were sold to the Ohio Life and Trust Company, and about the same time, that company also got 40,000 dollars from the branch; the President of the Company came and got it; I do not recollect the particulars, but after the suspension the branch received a certificate of deposit for the 40,000 dollars payable in specie.

How have the loans made under the order of the State Board of November last, for an increase of the loans been made?

Ans. On notes and bills; the bills considerably exceed the notes.

Do you know of any mutual understanding amongst the Directors, at any time, relative to the accommodation to themselves, or to stockholders? If so, state it.

Ans. At one time they were allowed to borrow once and a half the amount of stock, and for some time there was no call made on such discounts to stockholders. In November last, a call was made, and since the first of January it is understood that the stockholders, as to the one half over and above once the amount of their stock are subject to the same call, and the same is made as other borrowers.

It is said, that in the sale and transfer of stock at your branch it has been usual for the purchaser to make a note properly secured, with the general understanding that the same should be discounted, and the proceeds should go to the payment of the vendor's note in bank?

Ans. That has been the case.

Do you know of any arrangement made immediately previous to the payment for the additional stock in your branch, for the discount of notes by the branch, to enable the holders of such additional stock to refund the money borrowed to make said payments?

Ans. I know that before that payment was made, an individual had a large amount of specie and eastern paper on deposit; that his checks paid for a portion of the additional stock: the person who paid in his checks soon after obtained discounts, and the amount of his check was restored to his credit, by their checks in his favor.

Do you know of any arrangement between your branch and Goodman & Co. respecting their checks? And have their checks been paid out at your counter?

Ans. I do not know of any arrangement. There is none. Their checks have been paid out at the counter.

Do you know of any arrangement between your branch and the Ohio Life and Trust Company, relative to their twelve months checks?

Ans. They requested permission to make those payable at our branch; that we would receive them; and that they would provide the funds to

redeem them when at maturity; we receive them and pay them out; I have only seen tens and twenties.

The sale of the 35,000 dollars mentioned above was for the purpose of procuring eastern funds to meet a government draft, and at the time the Life and Trust Company received the 40,000 dollars, the Lawrenceburgh branch was required to meet a transfer draft from the government, payable at New York. The Trust Company gave two drafts on New York for 20,000 dollars each, which were not due at the time of the suspension; after the suspension the government recalled the transfer draft; the branch gave up the New York drafts and took the certificate of deposit in specie.

Do you know whether the Lawrenceburgh Branch has at any time sent specie at Brookville or elsewhere, for the purpose of buying up paper at discount?

Ans. I do not.

Do you know that any time in your reports to the State Bank and Branches, your branch has counted the checks, or drafts, or notes of individuals as part of the cash funds of the branch?

Ans. In making out the cash account it is usual to throw into one item for the report, the notes of, and checks, on banks of other States. It is an ordinary transaction for us, when we know the parties, to take checks on the Cincinnati banks, drawn by individuals. We consider them as cash, but do not count them as specie.

W. THO. CHAPPEL.

Omer Tousey being sworn says:

State what you know relative to the understanding, if any, amongst the Directors of the Lawrenceburgh Branch, as to accommodations to stockholders?

Ans. I think there was an understanding that stockholders should have a standing accommodation to the amount of their stock; this was afterwards increased to once and a half the amount of their stock; it was understood that this amount of the accommodation was not to be curtailed, so long as the bank could do without it; it was not to be reduced to accommodate other persons.

Can you state the amount discounted under the above arrangement?

Ans. Generally nine-tenths of the stockholders had the benefit of

notes so discounted would generally reach 175,000 dollars. Since November this amount has been reduced to about 160,000 dollars, or less.

Can you state the circumstances connected with the payment of the additional stock in November, 1836?

Ans. An individual advanced in his checks, drawn on money by him actually deposited in the bank, upwards of 30,000 dollars; a large portion was for an individual who was not a director, say 17,000 dollars; at least our directors were so accommodated. The individuals who so borrowed gave to the lender their checks, which checks were held up by him until the borrowers were furnished with funds in bank to meet the checks; and which funds were procured by accommodations from the bank, as I believe.

OMER TOUSEY.

The examination of B. F. Morris, Esq., Cashier of the Indianapolis Branch was continued.

Qu. Is there any exchange committee in the Indianapolis Branch?

Ans. There is.

Has the exchange committee at any time purchased any bill of exchange, draft or check, of an amount exceeding \$500, without the same being submitted before the payment of any money thereon, to the board of directors?

Ans. They have.

Have they done this repeatedly?

Ans. It is a common practice.

Has the exchange committee at any time purchased any promissory note or bond, and charged thereon a discount more than equal to interest at the rate of six per cent. per year?

Ans. I do not recollect the purchase of any bond. Promissory notes have been so purchased.

Can you state the rate of discount?

Ans. I can from recollection; notes have been purchased at a discount as high as ten per cent. interest, possibly higher.

Can you state the amount of notes so purchased?

Ans. I do not recollect; it is not large; less within the last year than in the first.

Has your branch been in the habit of discounting new paper since the 18th May last.

Ans. It has discounted new paper frequently. Scarcely a week has passed without some new paper being discounted, although it is proba-

ble that at some periods there was none such discounted for two or three weeks at a time.

Did this new paper so discounted consists of notes or bills? Or how was it generally?

Ans. Of both. During the summer, the notes were most numerous. Since the middle of November, the largest amount has been in bills.

On what places have these bills been generally drawn? And at what time to run?

Ans. Principally on Cincinnati and Madison. Some at Lawrenceburgh probably. Generally four months to run.

At what discount have these bills been purchased in addition to interest?

Ans. Generally one per cent. Sometimes as high as one and a quarter.

Do you know that in any instance, bills of exchange have been purchased by the exchange committee from individuals, at times when the board of directors refused to discount notes for such individuals or for others?

Ans. Bills of exchange have been purchased by the committee at times when the board of directors refused to discount new paper, though sufficiently good.

Has this been practised to any amount or for any length of time?

Ans. No.

Has your branch directors discounted any promissory notes, being new paper, since the 15th December last?

Ans. They have.

Have they done this to all applicants having good paper?

Ans. No.

On what grounds has this distinction been made between persons offering good paper?

Not answered.

Have bills of exchange been bought since the 15th December last? State the exchange, &c.

Ans. Yes. I only recollect now, two—one on Madison at 4 months. One per cent. discount and interest—one on Terre Haute, same time and rate.

Can you state whether any new paper, being promissory notes, were discounted by your directors during the last week?

Ans. I think one or two small notes.

Was any bills of exchange bought during the last week?

Ans. The bill payable at Terre Haute above mentioned, which was drawn by some person in Attica, was purchased some time last week, but only entered this week. The amount was \$2000.

Do you know of any other bills purchased in the last eight days?

Ans. None that I recollect of.

Can you state the amount of the accommodation in your branch to the directors of it?

Ans. By adding to the direct individual accommodations of the directors on their own notes, a fair proportion of the amount of accommo-

dation on the notes of firms, in which directors are partners, it would seem that the accommodations of directors would range between \$50,000 and 60,000, say \$55,000. This is simply the amount of loans on their own and firms notes. Generally, in our branch, the Payor and Discounter of notes are the same person.

Can you state the largest amount with which any one individual or firm has been accommodated by your branch at this or any other one time?

Ans. I cannot recollect. More than one year ago, one individual probably had \$30,000 used in the pork trade. I think that in the last year no one person or firm, has had at the same time as much as \$20,000.

Have the officers or directors of the State Bank at any time had any accommodation and what from your branch?

Ans. Some of them sometimes have had, but not to any large amount.

Has it been usual to buy bank notes at your branch at a discount?

Ans. Yes, at from one to three per cent.

Have you at any time paid notes so obtained, to borrowers at par?

Ans. No.

Does your branch pay Contractors on the Public Works?

Ans. Yes.

Has your branch in any instance paid to Contractors Bank notes purchased at a discount?

Ans. Not in any instance.

Do the Commissioners of the Sinking Fund make deposits with your Branch?

Ans. Bankable money.

Do you know that in any case, payments have been to borrowers from the Sinking Fund in paper not bankable at Indianapolis?

Ans. No.

Has your branch at any time procured notes of the Banks of other states of a less denomination than \$5, and paid them out at your counter?

Ans. Yes.

Can you state the object and policy of the Branch in purchasing bills of exchange on Madison and Cincinnati?

Ans. It is an advantage to the Bank to have funds to the credit of the Branch in Madison and Cincinnati.

For instance.—The Branch collects for the Cincinnati Banks, and is allowed a half per cent. commission for remitting the funds to Cincinnati.

If then, it is an advantage to your branch to have funds in Cincinnati, why do you charge a discount by way of exchange, exceeding interest, when you buy a bill payable at Cincinnati?

Ans. It is customary.

Has your branch sold or paid out specie except in sums under \$50 to special depositors, or to the Treasurer of State, since the 18th May.

Ans. No.

B. F. MORRIS.

Samuel Merrill being sworn states:

1. Have you at any time examined the Branches of the State Bank by virtue of your office of President of the State Bank?

Ans. In 1837, all the branches once—Bedford, Lafayette and Fort Wayne twice.

In 1836, all the branches once—not certain whether any twice.

In 1835, all the Branches once—but do not recollect whether I examined any more than once.

2. Was the State Bank acquainted with the course of the Lawrenceburgh Branch as to loans to Stockholders, and if so when?

Ans. Although it may have been noticed before, it was not officially acted upon until about the 1st of last June, and again this fall.

3. What action took place?

Ans. In June as examiner, I remonstrated with the Branch as strongly as delicacy permitted, and in the fall Mr. Lanier remonstrated and reported to the State Board, as to the large amount of loans to Stockholders, and the Board then adopted a resolution in substance that they would limit the discounts of any branch which pursued such course.

4. Was it known by the examiners or by the State Board that the directors of the Lawrenceburgh Branch had an understanding as to the renewal of Stockholder's notes without curtailment?

Ans. Not until this fall, and it was not then acted upon, because the above resolution was deemed sufficient.

5. At what time did you learn the charges against the Lafayette Branch?

Ans. In the fall of 1835, I was directed to examine into irregularities in that Branch; these upon examination, I attributed were more to ignorance of business than to any bad motives—measures were adopted to remedy them, and were carried into effect.

Last spring again I examined that branch, and found every thing apparently right, but had no information of the \$1000 transaction testified to by Mr. Henkle. I was at Lafayette in August, but my impression is, that even then, I received no information of that transaction; I was at a meeting of the directors, and stated to the directors my opinion that unless the officers conducted themselves correctly towards each other in their business, they should be removed. In October at the fall examination, the one thousand dollar transaction, and some charges affecting the private character of the cashier, were discussed. I did not particularly notice the first, because I understood that at that time, it was under investigation by the branch directors; the second matter was confidently talked over with some of the directors, said to be equally divided as belonging to the two parties existing at Lafayette, with the hope of being able to correct what was wrong or contradict it if not true.

6. Has there been any action relative to the Lafayette Branch on the part of the State Board?

Ans. No direct action—unless as above mentioned.

7. Do you know of any improper indulgence shewn by the Lafay-

ette Branch to the directors or particular stockholders as to accommodation?

Ans. It has been my opinion that the directors and stockholders generally had too much accommodation, and this was taken into consideration when the resolution before mentioned was adopted.

8. What has been the conduct generally of the Indianapolis Branch in its accommodations to its own directors and stockholders?

Ans. My opinion is that such accommodations have been too large generally.

9. Have the accommodations at the Lafayette and Indianapolis Branches to directors and stockholders been continued without curtailment?

Ans. I believe that they have been generally required to make some payment on their accommodation; but that nevertheless, they have been too often permitted to take back in another form what they thus paid up.

10. State your knowledge of the conduct of the other eight branches in the accommodations to the directors.

Ans. I do not think that such accommodations have been out of proportion either to directors or stockholders in the other branches. I believe there has been no more partiality than must be expected.

11. Are you acquainted with the transactions of any of the branches in the purchase of the notes of other banks?

Ans. Such transactions have taken place, but I am not acquainted with particulars.

12. Do you know that any branch has purchased notes of other banks at a discount, and paid the same at par to borrowers or to contractors on the public works.

Ans. I do not.

13. State the principle on which the branches regulate the rates of exchange within the State?

Ans. The branches charge a profit, because the transaction is supposed to be convenient to the applicant. But transfers to a large amount are made for customers without charge.

14. State whether the State Board has been acquainted with the transactions of the branches in fictitious bills of exchange.

Ans. Yes; in some of the branches; but none in the Richmond, New Albany, Evansville, Vincennes, Terre Haute and Fort Wayne Branches.

15. Have the State Board acted on the subject?

Ans. Yes: they have passed resolutions against it, and I believe that for the last year it has been much diminished, and not knowingly allowed in any branch.

16. Is it known to you that any of the branches have refused to discount notes, and at the same time purchased bills of exchange from citizens at a discount?

Ans. Yes.

17. At what branches have you known this to have been done?

Ans. I believe this to have been done at all the branches.

18. Has it been done to a great amount?

Ans. I believe that not exceeding one fifth of all the business of the Bank has been done in bills.

19. Have the State Board of Directors been acquainted with the fact that the branches purchase bills when they do not discount notes, and have they had any action on it?

Ans. They must have been acquainted at least with some instances of this sort.

20. What has been your opinion and the action of the board on that subject?

Ans. When good bills are presented for discount, it is the interest and duty of the bank to prefer them to notes, for in no other way can the collections on debts from abroad be remitted without ruin to the bank. Our State has a constant drain on it at the rate of five or six millions a year, and if the bank did not provide funds to meet this drain, it could do very little business. It can as safely discount one fourth or one-fifth in bills, as it could the remainder without any bills. The State board has encouraged the discounting of bills drawn in good faith, but it will use all means in its power to prevent the purchase of fictitious bills. They believe them not to be justified by the charter and that the exchange charged should be a fair allowance for the accommodation and the value of money at different places.

21. Why is it that if the bank when it sells a bill on a given place, say New York, charges a premium for it, it will in the purchase of a bill on the same place, on the same day, require a discount in addition to interest?

Ans. A premium is charged because the draft is worth it. A discount is taken in the other case as a compensation for the risk, postage, &c. Although I have often thought and now feel that if a bill on New York, when sold by the bank, will command a premium over one per cent., the bank should not require a discount in addition to interest on the purchase of bills on the same place.

22. Was Robert Morrison agent for loaning the Sinking Fund at Richmond, in December, 1836.

Ans. He was a commissioner and made loans about that time at Richmond.

23. What sort of money or funds was under his control at that time to advance to borrowers?

Ans. Bankable Funds.

24. Do you know that since the suspension, any of the branches have loaned or sold any of its specie?

Ans. I do not.

25. Do you know that any director of any of the branches has been permitted to draw from the branch in which he was a director, specie in amounts over \$50, since the suspension?

Ans. In the order of the State Board recommending the suspension of specie payments, it was suggested to the branches to continue to pay specie to all persons who had specially deposited specie previously, to pensioners and for change. I have since understood that Mr. McCormac had obtained specie at Lafayette for a special deposit, and that

Mr. Law, of Vincennes, has drawn about \$9,000 in specie from the Vincennes branch, on account of some arrangement made by him previous to the suspension with that branch for land office funds. I am not certain as to the amount, nor the nature of the arrangement, but recollect that Mr. Law stated that there was a considerable amount of specie funds to his credit in the Vincennes branch sent to him from the east to buy lands for others.

SAM. MERRILL.

MR. SPEAKER:—

The select committee appointed to examine whether the chairman of the committee of investigation on the State Bank and branches, or any other member of said committee refused to correct or permit John B. E. Reid, a witness examined before said committee, to correct his evidence, and also to enquire whether said committee or its chairman, did or did not lay the evidence of said Reid before him several days after said Reid had given his testimony, with a request that he would correct it if any error had been made in taking down said evidence; have examined on oath Messrs. John B. E. Reid (referred to), Hon. W. W. Wick, and Hon. Marks Crume; the committee have no hesitation in acquitting said committee and each member thereof, from any and all charges of blame or neglect in respect to the correction of the testimony of said Reid. Every facility was afforded by the chairman to said Reid to correct his testimony, as will clearly appear by the affidavits of the gentlemen examined before the committee, which are herewith submitted. The committee ask to be discharged from the further consideration thereof.

JAMES GREGORY,
W. J. PEASLEE,
M. J. HOWELL.

Mr. Crume being sworn, says, that he was a member of the investigating committee; that some days after Mr. Reid's testimony had been taken, he was present in the committee room, and saw Mr. Judah show Mr. Reid the manuscript of his testimony, stating to Mr. Reid that if his testimony was incorrect, he then had the privilege of correcting it. Mr. Reid, after examining it, said that the evidence was not as they (meaning as I supposed, Mr. Bates and other bank officers) had told him it was. He, Mr. Reid, said that the evidence was correct.

William W. Wick being sworn was asked to state his knowledge of the matter above referred to, and states that he was Secretary of the said committee of investigation for some fortnight more or less, and at the time when John B. E. Reid was sworn as a witness before the said committee, and that his evidence was faithfully and substantially taken down.

He further adds, that soon after Reid delivered his evidence, he (Reid) spoke to him, as secretary, and desired an opportunity of examining his evidence, assigning as a reason, that Mr. Bates, the President of the Indianapolis branch bank, or some other one had informed him that his evidence was so taken down as to give an improper coloring to the transaction. This affiant replied that he would have an opportunity to examine the same. The affiant on the first opportunity mentioned the matter to Mr. Judah, the chairman of the committee, who replied that Reid ought to have the opportunity desired, and directed this affiant to let him have an opportunity to examine the same. Before any opportunity offered for Reid to examine the evidence aforesaid, this affiant ceased to be secretary of the committee.

The witness is asked if he was secretary of said committee of investigation at the time when said Reid and Thomas H. Blake were sworn, and answers that he was, and took down their evidence, and that he examined the printed proof of the same, and compared the same with the manuscript, and is persuaded that the same is correctly printed.

Also, that Mr. Blake did say before said committee, in giving his evidence, that ["the course of the Terre Haute Branch Bank, in reference to Illinois paper had been oscillating, sometimes receiving the same at par, and sometimes not."] From the use of the word not, it seems as if that Branch sometimes received Illinois paper *at a discount*, and this affiant wrote it down according to his understanding of the sense. But the above included in brackets are the substance of Mr. Blake's words used before the committee. From further statements made by Mr. Blacke before the

committee, and which neither he nor the committee desired should be taken down, it was disclosed that Mr. Blake's meaning was that [the Terre Haute Branch had sometimes received Illinois paper at par, and at other times not *at all*.]

The verbal error in taking down Mr. Blake's evidence was not thought of by the affiant at the time, or it would have been corrected, or a correction suggested. It seems also to have escaped the notice of Mr. Blacke, although he read over the manuscript of his evidence as taken down by the affiant carefully and deliberately before he signed it. At the time there was a good deal of conversation and noise in the room.

WILLIAM W. WICK.

John B. E. Reed being sworn and the printed copy of evidence given by him before the committee of investigation, is shown to him and he is asked if the same is properly reported as he related it to the committee, and thereupon he answers that the same is, with the exception that he stated that he was unable to say *positively* whether the first bill named in said report of his evidence was payable at the Trust Company or Lafayette Bank, though he believed at the Trust Company Bank at Cincinnati. He is then asked if the said committee of investigation refused him an opportunity of examining his evidence aforesaid, given before them and answers that such is not the case, that he was somewhat embarrassed to find the chairman, secretary or a member of the committee in the room, but that when he did find the chairman, every facility to examine his evidence was promptly offered him and that he examined and found the same correct with the exception aforesaid, which he did not care to have altered as it was correct to the best of his belief and had only added that he was not certain but that the said Bill might have been payable at the Lafayette Bank at Cincinnati. He added that he was induced to call to examine the written report of his evidence by *Hervey Bates*, informing him that the same was in some respects incorrect.

JOHN B. E. REED.

INDIANAPOLIS, Feb. 10, 1838.

HON. THOS. J. EVANS,
Speaker of the House of Representatives:

SIR: Having understood that a construction different from what was intended has been given to that part of an affidavit made by me on 2d Feb., which relates to a correction of J. B. E. Reed's evidence before the select committee of the House of Representatives, I ask permission in justice to myself as well as that committee, to make the explanation here given.

At the time I went with Mr. Reed to see if there was any inaccuracy in the statement of his evidence I had not seen it, but had understood what the substance of it was from one who heard it read in committee room, I called on Reed and stated to him what I understood to be a report of his evidence and thought it wrong in one or two particulars. Mr. Reed said if it was stated as I understood it to be, there was a mistake and he would correct it if he could get an opportunity. I went with him to a member of the committee, then in the House (Mr. Marshall) and made known to him the object of our call, he called Mr. Judah to us and told him what we wished. Mr. Judah said he had not his key with him but would attend to it at two o'clock and told Reed to come at that hour. Mr. Merrill wrote the affidavit from the statement I made substantially as I have here given it, of the facts, upon which that part of it was based, now referred to. It was written and examined hastily, though I thought carefully. I did not at the time perceive or even think of the erroneous coloring that part of the affidavit might be construed to give. Mr. Reed agreed to correct his evidence, if upon examination he should find it as I understood it to be reported which, if so, he knew and admitted to me was inaccurate, for this purpose at Mr. Judah's suggestion he was to "come at two o'clock," on the day we called on the two members of the committee, I meant to say neither more nor less in the affidavit.

This explanation I would make directly to the committee, (Messrs. Gregory, Peaslee and Howell) only that I have understood the whole matter was brought up in debate in the House and that the meaning supposed to attend to that part of the affidavit, might make unjust and injurious impressions, which I have no other proper means to prevent or remove.

Will you be pleased to lay this before the House, and I request that it be referred to the same committee having the affidavit.

Very respectfully,

HARVEY BATES.

FEBRUARY 12th. 1838.

Hon. A. F. Morrison,

SIR: Since the foregoing explanation was prepared I have understood the affidavit is not in possession of the House, I therefore hand it to you requesting the proper explanation to be made, if any occurrence in the House should make it necessary.

H. BATES.

Interrogatories to be answered by the President, Cashier and Clerk or Teller of each Branch of the State of Indiana, and the answer to be verified under oath before some justice of the peace as containing the truth, and the whole truth on the subject.

1st. Has your branch received any United States deposits;

2nd. State distinctly the amount of such deposits in notes or bills and the amount in specie made with your branch since the 15th August, 1836.

3d. State the amount of specie in your branch on the said 15th August, 1836.

4th. State the amount of specie in your Branch on the 28th of May last.

5th. State the amount of specie in your Branch on the 20th day of December inst.

6th. Has specie to the amount of more than \$50 since the 18th of May last, been delivered out of your branch in payment or otherwise at any one time, to any one person, partnership or corporation, and if so state fully and particularly the persons who received such specie, the times, the amounts, the special causes upon which such transactions were based; and whether the Branch made any profit; and what thereby?

7th. Is there an exchange committee in your branch, if so, what are its duties?

8th. Has the exchange committee at any time purchased any bill of exchange, draft or check of an amount exceeding \$500 without the same being submitted before the payment of any money thereon to the Board of Directors?

9th. State distinctly, whether or not, money has not been paid out of your branch on the discount or purchase of bills, notes, checks or drafts, of an amount above \$500 without the ayes and noes as required in the

78th section of the charter, being entered on the minutes of the Board of Directors.

10th. If either or both of the above interrogatories 8 and 9, are answered affirmatively; state distinctly all the particulars as fully as your books or recollection will enable you to state the same.

11th. Has your branch at any time purchased promisory notes, sealed bills, judgments or evidences of debts, other than notes discounted by the board of directors at a regular meeting and regular bills of exchange?

12th. If so, state particularly the cases and especially state the amount so purchased and the ordinary discount or deduction made on such purchases.

13th. State particularly the rate of discount on the purchase and premium on the sale of bills or checks at your branch at the commencement of each of the quarters of the year 1837.

14th. State the banks whose paper you received in payment or on deposit at par on the first of April last: on the first of July last, and on the first of December inst.

15th. State particularly whether it has been usual in your branch to purchase the notes of the banks of other states, or to receive in payment the notes of the banks of other states, otherwise than at par: state whether this has ever been done in your branch, and to what extent.

16th. If notes of other banks have been received at your counter at a discount, state fully the manner in which your branch has disposed of these notes.

17th. State distinctly whether you have not paid out at your counter at par the notes you had taken in at a discount.

18th. State whether you have not required of persons asking for loans, to take at par, bank notes which you would only take and actually acquired a discount.

18th. State the profits over and above six per cent. interest, made on bills of exchange, and also the profits made on the purchase of bank notes in your branch during each quarter of the year 1837.

20th. State whether your branch has been at any time or is now employed, by the Fund Commissioners to make the payments due the contractors on public works.

21st. If the last interrogatory is answered in the affirmative, you will state what bank paper was receivable at par at your counter at the commencement of each month during the year 1837; and you will then state distinctly whether any, and what bank paper was received at a discount at your counter during each of the same months.

22d. You will state particularly the paper in which your payments to contractors or other persons employed on the public works were made at each monthly payment.

23d. You will state whether you have paid to contractors on the public works Illinois bank paper or Michigan Bank paper or Ohio bank paper; and if so, specify particularly which, and how much of each, and at what times; you will also state particularly how and on what terms your branch became possessed of the paper so paid and whether you re-

ceived it at par or at a discount, and whether you received it in the ordinary course of business at your counter, or by virtue of some arrangement with the bank or banks which issued it.

24th. Has your branch at any time paid to contractors on the public works, one, two or three dollar bills of the banks of other States? If so, state the amount and time, and state how your branch became possessed of such notes.

25th. Has your branch at any time received in payment, notes of a less denomination than five dollars? If so, state particularly the times, the amount and the description.

26th. Has your branch at any time paid out at its counter notes of any other bank or banking company, or the checks of Goodman & Company, of a less denomination than five dollars! And if so, state truly and particularly the mode and manner in which your branch became possessed of such notes or checks, and the amount.

27th. Is there any arrangement now subsisting, or has there been any arrangement at any time between your branch, or any person acting for it, and any bank or banking company in the State of Ohio or elsewhere, whereby your branch has received bills or checks of a denomination less than five dollars? If so, state the person or banks concerned, the denomination and amount. The time, the terms of the arrangement and all other particulars.

28th. Has the president, cashier or any director of the State Bank or of your branch, or of any other branch, at any time, paid into your branch, or deposited there, any bills of any bank out of the State of a less denomination than five dollars; either on his own account, or on account of your branch, or on account of any other person, or any bank of another State? If so, state all the particulars.

29th. Have you at any time paid out of your branch notes of a less denomination than five dollars. If so, state the particulars.

30th. Have you received at your counter the checks of Goodman & Co.

31st. Was your bank possessed of funds to the credit of Goodman & Co. to pay such checks?

32d. When the engraved checks of Goodman & Company of a less denomination than five dollars, have been received at your branch, have they been re-issued or not?

33d. Have you paid out the checks of Goodman & Co. of a less denomination than five dollars?

34th. State distinctly the amount of additional stock subscribed at your branch since it went into operation. If any, and by whom subscribed; state also the names of the present holders of such additional stock, and the number of shares held by each; and you will also state whether any note drawn or endorsed by, or any bill drawn, endorsed or accepted by any subscriber of additional stock, was discounted, or cashed at your branch, within one month before, or one month after the time, such additional subscription was made; and, in such case, also state the discount of such bill or note, its amount, and all the particulars which you can now ascertain.

35th. State whether on the first of Sept., 1836; first of April, 1837, and first of August, 1837, any person, being the president, cashier or director of the State Bank, or of your branch, or of any other branch, was himself individually, or as the member of any firm to you known, liable at your branch as drawer or endorser of any note, or as drawer, endorser or acceptor of any bill of exchange; and in such case state the amount of such liability, whether as drawer, endorser, or acceptor; and also state who appeared as discounters in all such cases.

36th. Has your branch at any time discounted any note, or purchased any bill of exchange, payable at any other branch, or drawn upon any person residing at the place where any other branch is located? If so, state all the particulars, as to parties, amounts, dates, the interest or discount.

37th. Have bills of exchange been at any time discounted or purchased at your branch, with an understanding that the same should be paid at your counter?

38th. You will state the amount of the notes discounted and bills purchased at your branch since the 1st day of Dec. 1837. You will also state how much of the notes so discounted or bills purchased, were drawn or endorsed or accepted by, or discounted for any officer or director of the State Bank or of your branch, or any other branch, either individually or as a partner, and name the persons.

WILLIAM W. WICK,

Secretary.

BRANCH BANK INDIANA, }
New Albany, January 20, 1838. }

W. W. WICK, Esq.

Secretary of select committee of House of Representatives :

Dear Sir—Herewith be pleased to receive abstracts taken from our books, designed as the answers to interrogatory No. 35, exhibiting the liabilities of our Directors, also the liabilities of the firms in which some of them are interested. We would have given you the names of all the

parties to the notes, were it not that they are so numerous that it would have been considerable labor for us; there are none of them from other Branches. There never has been a bill of exchange purchased, or note discounted by this Branch, either drawn or endorsed by the President, Cashier, or Director of the State Bank, or of any of the other Branches of this State, or one in which they were interested, to my knowledge, with the exception of a note of four hundred dollars drawn by ———, endorsed by ———. It ever has been a standing rule with our Directors not to discount any paper on which the name of the cashier or clerk of this bank appears as drawer, endorser or discounter.

I am respectfully,

your obedient servant,

J. R. SHIELDS, *Cashier.*

The answers of the President, Cashier and Clerk of the Branch at New Albany, of the State Bank of Indiana, to the interrogatories propounded to them by the committee appointed by the Legislature of Indiana, to investigate the condition of the State Bank and Branches.

Answer to interrogatory No 1. It has.

2. For answer to this interrogatory, we refer the committee to the abstract marked A. signed by us respectively, and herewith enclosed.

3. There was on hand at that time, in specie, \$137,971 26

4. There was on hand the 18th May, 1837, in specie, 127,839 82

Also on hand the 22d May, 1837, the day we suspended specie payments, 121,186 13

5. There was in this Branch on the 20th December, 1837, in specie, 109,803 58

6. Specie to the amount of more than 50 dollars, since the 22d of May last, the day on which this Branch suspended, has not been paid, or in any manner disposed of, at any one time, to any one person, partnership, or corporation, except as follows: 10,000 was paid to Treasurer United States at Washington, on the twenty-sixth of July last, and 500 dollars paid to Captain H. M. Shreeve, on draft of Treasurer of United States on the 6th day of December, 1837. Upon no amount of specie paid out either large or small, since the 18th of May last, has any thing been made or lost by the Bank, except that the remittance of 10,000 dollars above mentioned to Treasurer United States, which was sent in foreign gold, and by our agent exchanged for silver, in one of the eastern cities, at 14 per cent. premium.

7. There is an exchange committee in our Branch, and its sole duty is to purchase bills of exchange.

8. The regular mode of doing exchange business in this Branch has been as follows: When a bill of exchange is presented for purchase on any day when the Board of Directors does not sit, the same is submitted

to the committee of exchange, who either purchase or reject it; if purchased, it is regularly entered in the discount book, and payment of the proceeds immediately made to the person authorized to receive it. At the next meeting of the Board of Directors the doings of the exchange committee, in reference to bills, are submitted to the Board for their approval or disapproval, and if the bill of exchange exceeds 500 dollars the ayes and noes upon the question of the approval are regularly recorded in the Director's Book.

9. There never has been, except as stated in answer to interrogatory No. 8, and except that bank checks at sight, are usually received by us as cash.

10. We have no answer to make to this interrogatory, except to refer to our answer to interrogatories No. 8 and 9.

11. It has not in any instance whatever.

12. For answer to this we refer to interrogatory No. 11.

13. For answer to this interrogatory, we refer the committee to abstract letter B., signed by us, and herewith forwarded.

14. The notes of all the Branches of the State Bank of Indiana, and the notes of the Banks of Kentucky, Cincinnati, Pittsburgh and Wheeling, and the notes of the Bank of the United States, with those of the banks of the eastern cities, and the notes of the banks of Virginia have been received by us.

15. The notes of the banks of other States have not in any instance, or in any manner, been received by this branch, otherwise than at par, except in the following instance: on the 2d day of September, 1836, this Branch was largely indebted to the Union Bank of Louisiana, N. O., on account of collections made for them, and being desirous to make a remittance to New Orleans to liquidate this debt, this branch received at one per cent. discount 12,740 dollars of Louisiana bank paper, every dollar of which was remitted by special agent, Mr. S. S. Paxon, to the Union Bank of Louisiana, and in that bank passed to our credit at par. With the exception of this single transaction, there has never a single note been received or paid out in this Branch otherwise than at par, except that the notes of the Bank of the United States have, in some instances, been bought and sold at a premium, never at a discount.

Inty. No. 16. We refer the committee to our answer to interrogatory No. 15.

17. We again refer to our answer to interrogatory No. 15.

18. We again refer as above to interrogatory No. 15.

19. We refer to our abstract letter C.

20. It has been so employed.

21. For answer to this interrogatory, we refer you to interrogatories number 14 and 15.

22. Our payments to the contractors on the public work's have invariably, and without any exception, been made in the notes of the State Bank of Indiana.

23. For answer to this interrogatory, we refer you to our answer to interrogatory No. 22.

24. This Branch has never in any instance, paid to the contractors, on the public works, 1, 2 and 3 dollar bills of any discription.

25. This branch has never received in payment or otherwise, notes of a less denomination than five dollars, except as is specified in our answer to interrogatory No. 29.

26. This branch has not at any time paid out any notes of any bank or banking company, or checks of Goodman & Co. of a less denomination than five dollars, except as is specified in our answer to interrogatory No. 29.

27. We answer this interrogatory unequivocally in the negative, in every point and particular.

28. We answer this interrogatory in the negative, except as specified in our answer to interrogatory No. 29.

29. On or about the 30th day of September, 1837, this bank procured at Cincinnati in Exchange for Indiana Bank paper at par 450 dollars of new notes of the bank of Urbana, Ohio, of the denomination of 1, 2 and 3 dollars, which notes were not paid out by the bank, in her regular business, but were paid out to such persons as specially asked for them in exchange for other bank paper at par. This transaction was made purely for the purpose of accomodating our mercantile community, and without any profit whatever to the bank, with this exception no note of a less denomination than five dollars, has in any instance been received or paid out by this branch.

30. We have not received at our counter, the checks of Goodman and Co.

31. This branch never had any funds of Goodman and Co. for any purpose.

32. As they never been received, they could not be re-issued.

33. We have not.

34. No additional stock in this branch has been disposed of.

35. The answer to this interrogatory, will be sent as soon as the officers of the bank can have time to make the necessary examination.

36. For answer to this interrogatory, we refer you to abstract letter D.

37. We answer this interrogatory unequivocally and absolutely in the negative.

38. For answer to this interrogatory we refer you to our abstract letter E.

M. C. FITCH, President.

J. R. SHIELD, Cashier.

H. BARNES, Clerk.

STATE OF INDIANA, FLOYD COUNTY, SCT:

This day personally appeared before me, Samuel G. Wilson a justice the peace in and for the county aforesaid, M. C. Fitch, James R. hields and H. Barns, President, Cashier and Clerk of Branch of the

State Bank of Indiana at New Albany, who severally made oath in due form of law, that the matters and things contained in the foregoing answers to the interrogatories propounded to them by the committee of the Legislature of the State of Indiana, and also, the matters and things contained in the abstract, marked letters A., B., C., D., and E., and signed by them respectively, and herewith sent so far as the same are derived from their own knowledge are true, and so far as the same is derived from the information of others, they believe to be true.

Given under my hand and seal at New Albany this 11th day of January, 1838.

SAMUEL G. WILSON, J. P. [SEAL.]

ABSTRACT LETTER A.

Showing the amount at the credit of Treasurer U. S. on the 15th August, 1836, in the branch at New Albany of State Bank of Indiana; also, shewing the amount and kind of funds deposited to credit of Treasurer U. S. from that time until the suspension of specie payments in May last.

Date of deposit.	Name of Depositor.	Amount received in bank notes.	Amount received in silver.	Amount received in gold.	Whole amount.	Branches in which deposited.
1836.						
Aug. 15	1 James G. Read	12,350	Balance	due U. S.	546,315 48	
Sept. 26	J. P. Drake	26,000	8,015 78	97 96	20,463 74	New Albany Branch
30	J. G. Read	13,410	23,900	00	49,900	Do
Oct. 10	J. P. Drake	15,000	7,630 38	199 58	21,239 96	Do
Nov. 19	J. P. Drake	27,900	7,000	2,000	24,000	Do
Dec. 20	J. P. Drake	26,860	16,990	1,752 30	46,642 30	Do
31	J. G. Read	11,780	17,118 72	1,021 28	45,000	Do
1837.					25,760	Do
Jan. 19	J. P. Drake				34,000	Branch Vincennes
Feb. 2	J. G. Read		33,893		33,893	New Albany Branch
8	S. McRoberts				25,958 74	Branch Terre Haute
27	J. P. Drake				30,000	Evansville Branch
"	J. P. Drake				51,000	Vincennes Branch
Mar. 22	J. P. Drake	* 10,000	46,933	9,067	66,000	New Albany Branch
31	S. McRoberts				8,784 75	Terre Haute Branch
April 11	J. P. Drake	+ 3,750	36,000		39,750	New Albany Branch
May 15	J. P. Drake		41,020	980	42,000	Do

* This amount was in check drawn on us by N. B. Palmer, Treasurer State, for Suplus Revenue, in favor of B. Vincennes. Mr. Drake informed us that he gave the specie for it-

† Checks on Louisville, and in the transfer of Government Deposites.

M. C. FITCH, *President.*

J. R. SHIELDS, *Cashier.*

H. BARNES, *Clerk.*

AN ABSTRACT showing the rate of Discount and Premium charged by Branch at New Albany on Bills of Exchange purchased, also the various places on which they are drawn for the quarters of the year 1837.

1836.	Where payable.	Time run.	Dis.	Exchange.
January 1	Louisville	60 days	6	$\frac{1}{2}$
	Do	120 "	"	$\frac{3}{4}$
	Madison	120 "	"	1
	Baltimore	4 mo.	"	1
	New Orleans	4 "	"	2
	Mobile, Ala.	4 "	"	$2\frac{1}{2}$
	New York	4 "	"	$\frac{1}{2}$
	Natchez	4 "	"	2
April 1	Louisville	60 to 90 days	"	$\frac{1}{2}$
	Do	4 mo.	"	$\frac{3}{4}$
	New Orleans	90 to 120 days	"	2
	Mobile, Ala.	do	"	$2\frac{1}{2}$
	Natchez	do	"	2
	Cincinnati, O.	30 to 90	"	1
	Vincennes	60 to 120	"	1
	Baltimore	90 to 120	"	$\frac{1}{2}$ to 1
July 1	New York	30	"	$\frac{1}{4}$
	Louisville	4 mo.	"	$\frac{3}{4}$
	Pittsburgh	4 "	"	1
	New Orleans	4 "	"	3*
October 1	Louisville	90 to 120 days	"	$\frac{3}{4}$ to 1
	Pittsburgh	60 to 120	"	1
	Madison	90 to 120	"	$\frac{3}{4}$ to 1
	Wheeling, Va.	90	"	1

* Only one bill purchased at this rate.

ABSTRACT showing the Rates of Premium charged on Checks sold on the East, payable at sight, by Branch at New Albany, Ind. for the quarters of the year 1837, commencing 1 Jan., 1 April, 1 July and 1 October.

1837.		Premium charged.
January 1	Sight Check	1½ *
April 1	Do	1½ *
July 1†	Do	1½ *
8	Do	3†
October 1	Do	2½*
"	Do	2½ to 3†
	Do	3 to 3½†

* These are the regular prices charged the merchants in this place by the Bank.

† Sold at Cincinnati for Indiana Bank paper to pay contractors on the public works.

‡ Sold at Louisville for Indiana Bank paper to pay out on public works.

M. C. FITCH, *President.*
 J. R. SHIELDS, *Cashier.*
 H. BARNES, *Clerk.*

ABSTRACT LETTER C.

Showing the amount of profits made by Branch at New Albany on Bills of Exchange, over and above 6 per cent., for the quarter of the year 1837, ending on 31 March, 30 June, 30 September, and 31 December.

Quarter ending	Premium.	
March 31	941 46	
June 30	740 98	
September 30	162 24	
December 31	238 25	
		2,082 93 amount of profits on Bills for 12 months.

This Branch has not purchased any bank notes, consequently there could no profits be made in that way.

M. C. FITCH, President.
J. R. SHIELDS, Cashier.
H. BARNES, Clerk.

Answer to question prepounded to the President, Cashier and Clerk of the Branch at Terre Haute of the State Bank of Indiana, by the select committee appointed by the House of Representatives on Bank.

Answer to question 1st. Yes.

Answer to question 2nd. This Branch received the first deposit of Government Funds on the 23rd of January, 1837, at which time we were indebted to Madison Branch for our notes returned, collections made by us for her, account, &c. \$33,381 31, for which that branch gave to the New Albany branch the use, through which by order of the recent board we were to receive our proportion of these deposits, a check upon us: we were also indebted to the New Albany branch from same causes \$10,492 45-100, which was transferred from our general account to that against us: on this account, on the 1st of February, 1837, we received of Samuel McRoberts, Esq., receiver of public monies at Danville, Illinois, \$25,958 74-100 in specie and on 27th March, we received from some source \$8,784 75-100 in specie, making the whole amount of Government funds ever received by us \$78,617 25-100.

Answer to question 3d. \$45,020 00-100.

Answer to question 4th. \$58,947 78 100.

Answer to question 5th. \$137,309 28-100.

Answer to question 6th. Yes, we paid Mr. Ball, resident engineer on Cross Cut Canal, one hundred dollars, for the purpose of making change in paying the expenses of his surveying party, which he said was absolutely necessary for him to prosecute the work. We paid John Gordon three hundred and fifty dollars which had been deposited by him under peculiar circumstances, a few days before the suspension, and for which the Cashier had given him a certificate payable on demand in specie. We paid John M. Doty, eighty dollars, which had been deposited by him in August, 1835, in specie, and belonged to infant heirs. We have taken of Captain Ogden, superintendant Cumberland Road, several Treasury warrants on receivers of public monies at Danville, Crawfordsville, Laporte, Palestine and Vincennes payable in specie, which we have sent for and are to send for at our own expense, and in consideration of which we have been and are paying on all disbursements for that service one fourth in specie, of which several sums we have also paid the branch at New Albany, ten thousand dollars on account of our debt to her for public deposits, we have also in every case where specie has been deposited since the suspension returned the same kind if desired; in no case has the branch received or asked remuneration.

Answer to question 7th. Yes, we have a committee consisting of three members of the Board, chosen monthly, besides the President and Cashier (who are members ex-officio) called by us the "Financial Committee" to whom all questions as regards exchange and purchasing bills of exchange have been delegated by the Board, during the recess of that body, subject to their approval which must be asked at their first session thereafter, when the ayes and noes are recorded.

Answer to question 8th. Yes.

Answer to question 9th. Money has been paid out of the Branch on the purchase (under the authority of the 5th section of the charter) of

bills of exchange, notes of hand not payable in this branch, checks and drafts of an amount above \$500, without the ayes and noes having been recorded in the minutes of the board, but never on application for loans as is required by the 79th section of the charter which we presume was intended to have been referred to instead of the 78th section.

Answer to question 10th. A majority of the bills of exchange purchased have been by the "Financial Committee," we therefore presume the committee do not wish us to give in detail each bill.

Answer to 11th and 12th questions. Since the organization of this branch in December, 1834, to the 4th of January, 1838, there have been purchased eleven bills of exchange drawn by individuals in this branch district on individuals residing in other places and near other branches in this State, the whole amount of said eleven bills was \$6,500 92-100, they were, we presume, drawn principally for collections and on time of from 60 to 120 days, on these purchases the bank has charged an exchange on most of them of from $\frac{1}{2}$ to 1 per cent. depending on the probable facility of getting the money home; on some of them no exchange was charged. During the same period of time the branch has purchased, three notes payable at other branches, one of \$100, one of \$650 and one of \$500 the same exchange was charged on them as on the bills, except the one of \$100 on which was charged \$2 exchange from December, 1834 to 31st December, 1835, the bank purchased 25 common notes of hand not payable in Bank, amounting in all to \$7,795 92-100 dollars, 10 of these were sold by persons living out of the State on closing their business preparatory to a removal out of the State. In all the year 1836, the branch purchased four notes of hand amounting to \$2,177 57-100, three of which were sold by a person about to leave the state. In 1837 the branch purchased one note of hand amounting to \$283 25-100. These notes have been purchased at a rate that would give about 12 per cent. per annum if paid at maturity. The officers and Directors have uniformly discouraged applications to purchase promissory notes, and have never done so unless they were satisfied they were rendering an essential service to the seller, and at a discount far less and in some instances three fourths less than the amount the sellers were willing to have taken and actually offered to take. No judgments or other evidences of debt have ever been purchased by this branch.

Since making this answer we find we had omitted a bill drawn by a person at Indianapolis on a person in Vincennes for \$157 32-000.

There never has been a note purchased payable in this branch on any times.

Answer to question 13th. At the commencement of the 1st quarter of 1837, this bank was purchasing bills on New Orleans at 4 months date, at an exchange of 2 per cent., on Louisville and Cincinnati $\frac{1}{2}$ to 1 per cent., on Philadelphia and New York $\frac{1}{2}$ to $\frac{3}{4}$ of one per cent. 2d quarter, no alteration from above but very few purchasers. 3d quarter, no alteration from above, and no purchasers of consequence. 4th quarter, no alteration from above and nothing doing in exchange, but should any bills have been offered on the east at 4 or 5 months the branch would have

taken them at par. At the commencement of the 1st and 2d quarter we were charging for checks on New York and Philadelphia 14 per cent. At the commencement of the 3d quarter we were selling checks on the above places at 3 per cent. At the commencement of the 4th quarter the same. We have always charged $\frac{1}{2}$ per cent for checks on Cincinnati and Louisville.

Answer to 14th question. On the 1st of April last we received at par the notes of all the Indiana Branches, all the Cincinnati, Kentucky, New York city, Philadelphia and Baltimore banks, and of the State Bank of Illinois and Branches. On the 1st day of July last the same, and on the 1st of December all the above, together with the banks of the State of New York, Virginia and Pittsburgh Banks.

Answer to 15th question. It has not been usual to purchase the notes of the Banks in other States at a discount; but there have been instances in 1835 and 1836, in which we have purchased the notes of other State Banks at a discount, but to a very limited extent; and when they have been so purchased, they have been laid by as uncurrent paper, until opportunities offered of sending them out of the State, in July, 1836; all the uncurrent notes in the Branch were sent by our President to the east, to be exchanged. Some were exchanged in Ohio, some in Buffalo, and the balance were sold to a broker in New York. We have purchased none to the best of our recollection, the last year.

The 16th question is answered above.

Answer to question 17th and 18th. We have paid out notes at par at our counter, which we had purchased at a discount, but we have never done so unless they were desired, and generally to persons living in, or going to a section of country where they were at par, and as good, if not better than Indiana paper.

Answer to 19th question. We cannot state distinctly the amount made on bills of exchange over the discount of 6 per cent. per annum, because the funds received for them at New Orleans were at a discount of 7 or 8 per cent. below par funds at this place, to save which (and indeed the whole funds) an agent was sent to New Orleans to negotiate and get the funds home to the best advantage to the Branch, all of which is not yet finally closed, and it is impossible to separate it from the general profits of the Branch; the latter part of the interrogatory is answered in our answer to question 15.

Answer to 20th question. Yes; and is now.

Answer to 21st question. The notes of the banks mentioned in our answer to 14th question as receivable at par on the 1st of each quarter of 1837, were also receivable at par during each month of those quarters, during all of which time we have purchased no bank notes at a discount.

Answer to 22d question. Indiana Branch paper.

Answer to 23d question. We have never paid to the contractors on the public works any other than Indiana Bank paper.

Answer to 24th question. No, never.

Answer to 25th question. Yes; the Commercial Bank of Cincinnati had agreed to take of us a balance due us by her agency in St. Louis, amounting to 16.672 12-1000, for which amount we sent to Cincinnati, and re-

ceived by the messenger \$16.670 in Illinois Bank paper, and two one dollar notes on Cincinnati Bank, and the change contained in a sealed envelope; the one dollar notes are now in bank.

Answer to 26th question. No, never.

Answers to questions 27, 28, 29, 30 and 31. No.

Answer to questions 32 and 33. We have never received nor paid out any of the engraved or any other checks of Goodman & Co.

Answer to question 34. There has been no additional stock subscribed in this Branch.

D. DEMING, President.

A. B. FONTAINE, Cashier.

Subscribed and sworn to before me this 8th day of January, 1838, to the best of their knowledge and belief to be true.

C. T. NOBLE.

Justice of the Peace.

Answer by the President and Cashier of the Branch at Richmond of the State Bank of Indiana, to the interrogatories of the Select Committee of the House of Representatives on the subject of Banks.

1. Our branch has been a depository of the money of the United States.

2. None since that date. The last deposit made by John Spencer, Receiver at Fort Wayne, was made 15th June, 1836, in kind as follows:

Indiana notes	107,565
Cincinnati do	69,795
Other Ohio (bankable and land office)	54,205
(A.) Ditto (not bankable nor land office)	42,297 45
Other States, Pennsylvania, New York, New Jersey, Virginia, Kentucky, and 10,700 Michigan	25,870
Other Eastern notes	13,600
Gold and Silver	44,578 05
Bank checks and certificates, and individual checks and certificates on various persons and banks in New York Ohio, Pennsylvania, Maryland, Indiana and Michigan, a part of which were used at a profit and on a part of which we paid 1 per cent. for collection	182,522 59
	<u>\$510,433 09</u>

After receiving the foregoing, we declined taking more.

A draft of \$300,000, favor Cincinnati, was soon drawn upon us, all of which was required in specie; but by the most active exertions, and much personal labor, we finally paid it with only \$40,000 of specie, with other good funds. More than \$26,000 of the above funds were on Michigan, in notes and drafts; their paper we finally succeeded in passing in Cincinnati. The amount of Ohio, marked (A.) we also passed in Cincinnati; for a history of it, see answer 16. At and before the time of receiving the foregoing, the government had been desirous that we should be liberal in our receipts of funds from the land offices. On that account a list as large as we could possibly tolerate, was taken to accommodate the purchasers of public land. We have always endeavored to make the deposits bear their own weight; but we have found them very burthensome with the best exercise of management we were possessed of. We have just purchased \$10,000 of specie at 5 per cent, advance, which has cost us \$500, for the sole purpose of paying off our remaining balance due the Lawrenceburg Branch on deposit account, not being able to pay in any other medium.

3. 111,854 97.

4. On the 20th of May last, we had \$85,880 39. The amount on the 18th, was probably a little larger; the aggregate being definitely stated but once a week in our books.

5. On the 16th December, 1837, we had \$106,126 79. On the 23d, \$108,088 47. On the 20th an amount between the two.

6. Our branch has received deposits in specie since the suspension, and paid the depositors in kind when demanded. Some deposits of specie made previous to the suspension, under contract to be returned in kind have also been paid.

We have no recollection of the amount of \$50 having been paid to any individual or under any other circumstances than those mentioned, at any one time, except on one occasion. We paid the Lawrenceburgh Branch about \$30,000 on a U. S. Treasury Warrant for Missouri; about 20,000 of which was in paper, and 10,000 in gold, charged to them 14th June last, delivered at Cincinnati within a few days of that time. No profit was made to our branch by this payment of specie.

7. We have at present an exchange committee, which is vested "with the usual powers of such committees, in purchasing bills of exchange, also to renew notes in cases which would suffer by delay until the regular discount day."

8. A part of the time we have had no exchange committee. No note or bill has at any time been discounted or purchased without consulting either the exchange committee or at least five directors, so far as we recollect, and we know of no discount or purchase for any amount or at any time, which the board has not afterwards fully sustained by consent.

9. Our board has scarcely ever discounted a note, or purchased a bill, when any member present made unyielding objections, so as to be willing to have his dissent placed on record. The ayes and noes would have been taken if a different course had been pursued. Our notes are usually passed by consent.

In the purchase of bills during the interim of meetings of the board, the money would be paid out, else why should they be purchased until the board met?

10. We believe we have no cases coming under the inquiry of the committee. Sight checks on banks by banks are usually purchased by the cashier, when he has a known and solvent endorser, in accordance with the usual custom of banks.

11. Our branch has purchased many notes not payable at the Bank, but not at other times save at regular meetings of the Board, excepting a few cases about 3 years since, all of which were afterwards submitted and sanctioned by the board. They were purchased by a committee which stood about a month and was then discharged. They purchased no note over \$500, and not exceeding \$2,000 in all.

The discount has usually been 10 per cent. Such notes are not taken when we are not discounting other notes at the regular rate, except in part payment of a note already discounted; in all cases at the choice of the seller.

12. We have no cases, since January, 1835.

13. We have never purchased bills at any rate other than par and the usual interest; except a very few cases, as stated in answer 19.

Our bills have mostly been on Cincinnati, purchased at par, 6 per cent, our checks on Cincinnati have been sold at $\frac{1}{2}$ per cent. premium usually—frequently, without charge where any good cause appeared, checks on the east have been sold at from 2 to 3 per cent. We have made a difference in the rates according to the funds received in payment.

We have sold, for instance, at $\frac{1}{2}$ per cent. lower for our notes than for any others except those payable East. For Philadelphia notes of large sizes our rates have been 1 per cent., and for specie par or under.

14. Indiana, Kentucky, Illinois, Virginia, Cincinnati, Hamilton, Dayton, Urbana, Xenia, Columbus, Chillicothe, and most good banks east of the mountains and "North of Virginia are received at this time.--We have made no material change in our list for more than a year past.

15. It has been usual to purchase notes of the banks of foreign states at a moderate discount in cases where we could accommodate the seller by so doing. We have not received notes in payment under par. We frequently receive notes at their face, which should be at a discount, to a small amount, in payment—circumstances of purchasing bank notes under par in payment have been very rare, if they have ever occurred; none are recollected.

Notes of other banks have been taken at a discount, to a very limited extent: particularly since we have paid over the public deposits. Persons from the eastern part of Ohio, having notes not received in this State, have frequently felt themselves accommodated by exchanging them at $\frac{1}{2}$ or 1 per cent. for our State paper when going west. We would not have exchanged at all, if we could not have charged for it, as we were always subjected to keep the uncurrent notes for sometime and then generally risk their transmission to a distant bank.

We do not offer in payment at our counter notes not receivable in our

regular business. Our customers have taken in some instances, small amounts at par by consent, when they could use them at a point without loss. No person has ever been *compelled* to receive uncurrent notes, under any circumstances.

16. To state what we have done, in every instance with small sums, so procured would we think be impossible. It is recollected that \$25 of South Carolina money was once purchased at $2\frac{1}{2}$ per cent. and remitted to New York, to oblige a friend. This is offered merely as an example. We once purchased \$900 Virginia money when it was not current in our parts, at 1 per cent. and remitted it to Baltimore—thus by losing 1 months time and bearing the risk, we made 1 to $1\frac{1}{2}$ per cent. clear for the bank, on that sum, and accommodated a customer who could not pass his money.

By far the largest operation ever had in uncurrent notes was in a lot of Ohio (not bankable) which we took to accommodate J. Spencer, receiver at Fort Wayne, 15th June, 1836, in his public deposit (see. 2.) We received \$12,510 at a discount of $\frac{1}{2}$ per cent., making \$12,555 premium and passed these notes by arrangement to the Miami Exporting Company, Cincinnati, for a part of which say \$17,000 they gave us credit soon, the balance say \$25,000, they received payable one half in 60 days; the other half in 90 days in Cincinnati notes. We were enabled to make this arrangement inasmuch as the Secretary of the Treasury of the United States could not by contract draw on us short of 60 days notice for a sum of that amount.

17. Answered in 15.

18. No, except by consent, as in the cases mentioned, very few of which have ever occurred.

19. The profits over 6 per cent. on bills for the first quarter of 1837, were none.

2d quarter they were as follows:

Exchange on Indianapolis	c.	1 per cent.	\$10.
do " Cincinnati	"	$\frac{1}{4}$	25.
do " Columbus	"	$\frac{1}{2}$	5.

3d quarter. Exchange on Columbus $\frac{1}{2}$ 5.

4th quarter. None.

These are all the cases on our Books in which exchange has been charged. We cannot state the profits on the purchase of uncurrent notes; they have been inconsiderable. We presume we have made more by the sales of eastern notes at a premium, than by the purchase of uncurrent notes.

20. Our Branch is not so employed.

21, 22, 23, 24. Not applicable to our Branch.

25. No; except since the suspension, we occasionally take a one, two, or three dollar bill, to complete a sum where it cannot be made conveniently otherwise. We have seldom, if ever, had 10 dollars at once in this way. Small notes of Ohio have passed current these five years in our neighborhood. We are but $4\frac{1}{2}$ miles from the line.

26. No; except to hand them to a neighbor for change, at his own re-

quest, or by his consent in a few instances, since the suspension; got them as in 25.

27. None at all; nor never was.

28. We answer in the negative.

29. See answer 26.

30. We have neither received them nor paid them out.

31, 32, 33. Do not apply to us.

34. The stock of our Branch has not been increased.

35. The Directors of our Branch have been accommodated with very moderate sums. We cannot state to you their liabilities at the different times, without more labor than we think you design to impose upon us. We respectfully refer you to Achilles Williams, one of your members, whom you can qualify, and to Samuel Merrill, who once examined our Branch, in common with the others, with an eye to that matter.

36. See answer 19.

37. No.

No bills have been purchased this month.

STATE OF INDIANA, }
Wayne county. } ss.

I, Albert C. Blanchard, President of the Branch at Richmond of the State Bank of Indiana, being duly sworn; and I, Elijah Coffin, Cashier of said Branch Bank being duly affirmed, do depose and say, that the foregoing answers to the interrogatories sent to us by William W. Wick, Secretary to the select committee appointed by the House of Representatives, on Banks, are substantially true in substance and in fact, according to the best of our knowledge and belief.

A. C. BLANCHARD, President.
ELIJAH COFFIN, Cashier.

Sworn and affirmed to and subscribed before me, the undersigned, Notary Public, on this eleventh day of January, A. D. 1838. In witness whereof, I have hereunto set my hand and seal.

JAS. W. BORDEN,
Notary Public

The answers of J. F. D. Lanier, President and John Sering, Cashier, of the Branch of the State Bank of Indiana at Madison, to the several interrogatories propounded to them by the special committee of the House of Representatives of the Legislature of Indiana, now in session, in relation to the said State Bank.

The deponents being first duly sworn, depose and say, in answer to interrogatory.

No. 1. That said branch has received on deposit monies of the United States.

No. 2. That since the 15th August, 1836, there has been received at various times and passed to the credit of the Treasurer of the United States the sum of \$644,426 93 of which \$242,020 59 was in specie, the balance in paper and certificates of deposit as our books show.

No. 3. That on the 12th August, 1837, we had specie in our vaults to the amount of \$105,594 01. No state of the branch having been made up on the 15th, we cannot answer as to that day.

No. 4. That on the 13th day of May last, the amount of specie in our vaults was \$101,608 29 and on the 27th of same month \$94,517 54. No state of the branch having been made up on the 18th, we cannot answer on that day.

No. 5. That on the 23rd December, 1837, the amount of specie in our vaults was \$119,660 45. No state of the Branch having been made up on the 10th, we cannot answer as to that day.

No. 6. There are a few cases of special deposits made before the suspension, one by William J. Lodge for near \$3,500, which have since been paid in specie, the other cases are not recollected, the amount is but small. Nor has the branch profited to the amount of one cent thereby. We have not sold one dollar of our specie, but have bought a considerable sum which we paid for mostly in Cincinnati money but never in our own. Our postage bills are heavy sometimes, amounting to \$50, and upwards, which we have to pay in specie. In making change and paying checks we pay odd sums in specie, which has taken a considerable sum from our vaults. We have to farmers and others occasionally paid out sums of \$5 for change. There are several special deposits of specie yet undrawn.

No. 7. Answered in the affirmative. In order to give answer as to the duties of this committee, we give extracts from our minute book, viz: Ordered that there be appointed monthly, a standing committee of two members and the President, the two members to be chosen by ballot, who shall pass daily upon all offerings of bills of exchange; all the members of the committee must be present to act, and no bill shall be purchased if objected to by a single member of the committee or if it be without at least two responsible names as drawer and endorser. The rates of exchange and the times on which bills may be drawn, shall be fixed from time to time by the exchange committee, subject always to any special order of the board. The proceedings of said committee shall be considered as the act of the board, and shall be laid before the next meeting of the directors.

No. 8. Answered in the affirmative. And which were submitted to

the next meeting of the directors, no case is recollected where the board refused to approve the doings of the committee.

No. 9. Answered in the affirmative. As to bills of bank checks purchased by exchange committee.

No. 10. More than one half of all the bills of exchange purchased in this branch has been by the exchange committee, under the order of our board, as copied above, as the delay in waiting for discount day would operate with great inconvenience in a commercial community, we can also state that this branch has not, nor is there the least probability that she will loose one dollar of bills thus purchased. Bank checks, when presented here are usually taken by the Cashier or President as money.

No. 11. Answered in the negative. We deal only in regular business paper according to usual banking rules, in no case have we purchased as contained in the 11th interrogatory.

No. 12. Answered in the 11th.

No. 13. On the 1st April, 1837, our charge for checks east was from 1 to 1½ premium, every where else at par, except on New Orleans, which was at a discount. On the first July we charged for checks on the east 2 to 2½ premium, on the south checks were at a large discount from 4 to 10 and 15 per cent. On the first of October checks on New York were selling to customers at from 3½ to 4 and Philadelphia at 3 per cent. premium, on the south at a great discount, no settled price. About the same on the first of January, 1838. Before the suspension, exchange on New Orleans was from one to 1½ per cent. discount, on Kentucky, Ohio and the interior branches of our State Bank, from ½ to 1 per cent. discount, after the suspension 5 per cent. on New Orleans, 10 to 20 on Natchez, par on all payable east, and continues so to the present time excepting on New Orleans, it is now down to 3 per cent. On Mississippi and Alabama bills cannot be negotiated at any fair discount.

No. 14. At the times named, the branch at Madison received at par in payment and on deposit, paper of all the branches of the State Bank of Indiana, all the banks in operation in Kentucky, all the Cincinnati banks, Dayton, Columbus and Chillicothe, Ohio. all banks in good credit in Virginia, Pittsburgh, Baltimore, Philadelphia and New York City, and perhaps some others. Occasionally in payment of debts at par Illinois and interior Ohio money,

No. 15. Answered in the negative; excepting a small sum received through the Land Office and sent to Cincinnati, and sold there to brokers for best price that could be had; this took place before the suspension of specie payments; we have bought none at a discount since, to our recollection.

No. 16. The Branch at Madison has been in the habit of receiving at par in payment of debts, when the debtor had no other money, bank paper not bankable, such as Illinois, interior Ohio, Pennsylvania and New York, which was retained and paid out to those who asked for such, and to whom it was an accommodation; we have received none at a discount excepting above named.

No. 17. We have no recollection of any such case as named in the 17th interrogatory.

No. 18. Answered in the negative; no case of the kind recollected.

No. 20. Answered in the affirmative.

No. 21. In payment to rail road contractors we have been very particular to accommodate their wishes; we, prior to the suspension of specie payments, paid them in such funds as they desired, as great a proportion of specie as they wished, by which this Branch paid out a considerable amount of specie; since the suspension we, in the general have, at some expense and trouble, procured Indiana money for that purpose; in September or October last, this Branch had near \$40,000 in Kentucky money, which had been received in the course of business, which was sent to Louisville to be exchanged for Indiana money, to pay out on the rail road, but it could not be had, we consequently paid it out to the contractors; we have in some instances paid out Cincinnati Bank notes that were in good credit: we never in one instance, within our recollection, paid out one dollar in bank notes to rail road contractors, but what we were willing to take back at par in payment of debts, or on deposit.

No. 22. Answered in 21.

No. 23. The State Bank of Missouri was indebted to this Branch near \$3000 for collections; we sent for the money to St. Louis, that bank would pay us in nothing but Illinois money, at par, as we are informed and believe, (although they claim to be a specie paying bank.) No part of this was paid out to rail road contractors on their estimates. Some of it was paid to A. W. Flint, on a discount voluntarily without our desiring him so to do, he alledging it would answer his purpose as well as any other money, nor was it a condition express or implied in the discount. We neither receive nor pay out on any terms, Michigan Bank notes.

No. 24. In making payment to contractors we have, since the suspension paid sums under \$5 in specie; at their request and for their accommodation, we have exchanged 1, 2 and three dollar notes on banks in Ohio for Indiana, Ohio and Kentucky money at par, which small notes we received at par either in payment of debts or in exchange for other money, or for balances due us by those banks always at par; the amount thus paid out is small, we have no data upon which to say how much, we may have in a few instances paid out small notes directly to the contractors, but always at their special and particular request, never being able to give them as much as they wished.

No. 25. Answered in the affirmative. Only since the suspension of specie payment, and then principally of Banks in Cincinnati, which were recieved and paid at par. Prior to the suspension we had nothing to do with them, the amount thus received and paid out was very small; we have no data by which to fix the sum. For a few days succeeding the suspension of specie payment this Branch, for the purpose of affording change, continued to redeem her five dollar notes in specie from her own citizens, but it was soon found that instead of making change more plenty, it became much more scarce, to such a degree that small dealers could scarcely do business; it was purchased up and taken to Cincinnati and Louisville, and there sold to agents of eastern banks, as we are informed and believe; we thought it our duty to hold our specie for the be-

nefit of our own citizens, and as far as we could procure some substitute for change, which was the sole reason of our giving countenance to the small notes, and hope the day is not distant that there will be no farther necessity for their use.

No. 26. The Branch at Madison has paid out by way of exchange for other money, and perhaps in a few instances, and to a very small amount in change, the one dollar checks of H. H. Goodman & Co. to the amount in all of \$1,900 only. When paid out in exchange it was at the special solicitation of the persons to whom paid, we not being able to supply one fifth of the demand for them. In the month of September last, Messrs. H. H. Goodman and Co., exchange brokers of Cincinnati, Ohio, with whom I, (J. F. D. L.) am well acquainted, wrote me a letter, desiring the privilege of making their checks of the denominations of one dollar payable here, and asking on what terms we would give the permission, alleging that they were about to procure a plate for that purpose, and that the public were in great want of such for change. After consulting several of our business men, (who urged it without exception,) we gave our consent on condition that a permanent deposite of \$2,000, should be kept to their credit in our branch, and when we received their checks to amount of \$500 or upwards, they, to send down the money and redeem them, or pay our checks at sight, we to control the sum to be issued by them. This was assented to on their part.

The matter rested thus, until about the 9th of November last, when Messrs. G and Co. sent down \$1,000 of their checks, which we put into circulation here, nearly the whole in one day, and in exchange for bankable money. Soon after a package of \$1,000 more was sent down, \$900 only of which were paid out, nearly all in the same way. So eager were the people to get them, that scarcely one person received as many as they desired and many none at all.

On seeing the form of the checks, and that the words "State Bank of Indiana" was engraved in large letters, and the residue in small, we began to doubt the propriety of a further emission, fearing many might be deceived, supposing them to be notes of the State Bank of Indiana, I, J.(F. D. L.) in the latter part of November, wrote Messrs. G. & Co. desiring them not to issue any more of the checks. In order to be sure that a further emission should not take place, I (J. F. D. L.) soon after my return from the meeting of the State Board at Indianapolis, which was late in November, visited Messrs. G. & Co. at Cincinnati, they assured me that no more should be issued, that they would change the plate to their own notes payable at home. They also stated to me that the whole amount put into circulation, including the \$2,000 sent to Madison, was five thousand two hundred dollars; some of which had been returned to them and redeemed at Cincinnati.

The sum of \$2,000 is now on deposit in our branch to meet the checks out. We are ready and willing to redeem all that are in circulation payable at our branch, and have already collected in a considerable amount, which are sealed up and charged to Messrs. Goodman and Co., and are using endeavors to get in the residue.

This is the whole history of the affair, by which we gained nothing our object being public accommodation, as our citizens will testify it, was. We deny that we had any agency in getting up the checks or in procuring the plate, we having nothing to do therewith directly or indirectly; the same originating with and being carried out by Messrs. G. and Co. exclusively so far as we know or believe.

Before the meeting of the Legislature, we regretted having given our approbation, for the reason above assigned, and that the designing might misrepresent our motives. Messrs. G. and Co. are both respectable and responsible men. We entertained not the least doubt of the redemption of all the checks they would issue.

No. 27. Answered by saying no arrangement now exists with any Bank or individuals whatever, nor has there at any time, other than that named in answer to No. 26.

No. 28. We have accounts with each of the Banks in Cincinnati. In drawing money from them in the course of business, we have occasionally received a small amount of notes of a less denomination than \$5, which was passed to their credit on our books, remittances of this kind have often been made by individuals, perhaps once or twice by the President of this branch. All thus paid in was in account this branch and received at par.

No. 29. Answered in 25th.

No. 30. Answered affirmatively.

No. 31. Answered affirmatively.

No. 32. For the first few days after these checks were put into circulation here, very few came into the bank, as they were much sought after, and kept afloat for change. It is probable that a few dollars may have been re-issued, but no case is now recollected; if it was done, the amount was but a few dollars. After the return of Mr. Lanier from Indianapolis, which was late in November, as the checks came in, they were laid away, and are sealed up and charged to Messrs. G. & Co., which course shall be pursued until all are redeemed.

No. 33. Answered in 32d.

No. 34. That since the bank went into operation, there has been an additional amount of stock added to the capital of this branch to amount of sixty thousand dollars, which was subscribed for by the following individuals on 7th July, 1836. The first instalment of \$25 on each share was paid 25 August, 1836, and the remaining \$30 25-100 on each share was paid 29th October, 1836.

No. 36. This branch has purchased bills of exchange payable at other branches of the State Bank of Indiana, but to a small amount in comparison to those purchased on points out of the State. Exchange on the branches varies from one half to one per cent. owing to the location of the branch where payable. If desired, we will give you confidentially a list of names and sums. We deem it improper to make public the names of our customers, not that we have any thing to fear from so doing, but from a sense of propriety.

No. 37. Answered in the negative. No such case recollected.

J. F. D. LANIER, President.
JOHN SERING, Cashier.

STATE OF INDIANA, }
 Jefferson County. } ss.

Now, on this 9th of January, 1838, came before me, (Isaac C. Lea, Notary Public in and for the county aforesaid,) James F. D. Lanier and John Sering, who being first duly sworn, depose and say, that the foregoing answers, so far as they speak from their own knowledge, are true, and that so far as they speak from the information of others, they believe the same to be true.

Given under my hand and seal notorial, the day and date last above written.

ISAAC C. LEA,
 Notary Public.

BRANCH AT BEDFORD OF THE STATE BANK OF INDIANA,
 January 10, 1838.

WM. W. WICK, Esq., Sec'y sel. com. on banks, H. R.

SIR: We herewith return you answers to most of the interrogatories which were received with your letter of the 1st instant.

We have replied to all from No. 1 to No. 34 inclusive, with the exception of the 12th which, with the 35th, 36th, and 38th, would require much time and labour, and cannot for some time be furnished. We have no hesitation, however, in saying that full answers to the remaining interrogatories would disclose nothing that we, as officers of this bank, should be desirous of concealing.

We would refer you for information in regard to them to the Reports of the Branch examiners, appointed by the State Bank, where you may perhaps find sufficient to be satisfactory.

The amount of notes, &c. purchased, as per the 12th interrogatory, is about 1-25 of the total discounts.

REPLIES TO INTERROGATORIES.

To first. It has.

2d. This branch, as an indirect deposite branch, has received through the branch at Madison one hundred and five thousand dollars in bank paper (and no specie.)

3d. The specie in our vault on the 15th day of August 1836, was \$76,073 19.

4th. The specie in our vault on the 18th day of May last was \$85,253 02.

5th. The amount of specie on hand on the 16th day of Dec. (ult.) was \$86,998 96, and on the 23d \$86,829 42. We have no entry of the exact amount in specie at this date; but presume it was between the sums here mentioned.

6th. There has been at two different times, and to two different persons; in both cases by previous special agreement, viz: John Brown charged with the bank one thousand dollars in gold for that amount in bank notes with an understanding that if he should want the same kind of money again he should have it, and during the past autumn he received 2 hundred and 25 dollars in gold for bank notes in accordance with that understanding. Also, Wm. Templeton made a similar exchange of about ninety dollars in silver, and received that amount in specie again for paper. These, we believe, are the only instances in which more than fifty dollars in specie have been delivered out of this branch to any individual, company or corporation. We are not positive, however, but that in one or two instances payments were made to pensioners of that amount between May and August; as we continued paying them until that time in specie if demanded, but we believe not.

7th. There is. Its duties are to purchase bills of exchange, checks, promissory notes, and other evidences of debt, between the regular sessions of the board of directors; and the powers of this committee are delegated to it by the board.

8th. The committee has, at various times, negotiated for bills and other evidences of debt of a greater amount than \$500 without the same being submitted to the board before payment thereon. The committee upon the purchase of bills authorize the cashier to make payment for them, and invariably present such bills or other evidences of debt of whatever nature or sums, before the board of directors for their sanction, and if of \$500 or more the ayes and nays are taken upon its passage.

9th. This is answered in the foregoing. It has not.

10th. The board of directors have in every instance sanctioned the purchase made by the committee on exchange.

11th. It has.

12th. See remarks which precede these answers.

13th. This branch has not purchased any bills or checks in the year 1837, such as we presume is contemplated in the interrogatory, with five or six exceptions, and they were generally taken at par. All the premiums received on the purchase of such bills or checks would not amount to twenty dollars.

It has sold checks drawn on New York at from 3 to 4 per cent. premium, and others on Louisville, Cincinnati, and the different branches of the State Bank generally, at one half per cent. premium, and never at more than one cent for small sums.

To 14th. At the different periods mentioned this branch received at par the notes of the United States Branch (old and new issues) of all the

branches of the State Bank of Indiana, banks of New York and Philadelphia, payable in those cities, all the Kentucky banks, and the banks of Ohio payable in Cincinnati.

To 15th. This branch has never taken in payment of any debt the notes of banks otherwise than at par, with one exception, and that was of the amount of ten dollars, at a discount of five per cent., the debtor not having a sufficient amount of bankable money to take up a note he was paying off. This branch has never purchased any other bank paper at a discount.

To 16th. It is not remembered whether the ten dollars mentioned above was passed at par or not.

To 17th. See the 15th and 16th.

To 18th. This branch has not.

To 19th. They are about as follows, viz: for the first quarter (1837) \$906; for the 2nd \$840; for the 3d \$840; and for the 4th \$657.

This branch has made no profit on the purchase of bank notes unless as stated in the 15th.

To 20th. It never has been, and is not now.

To 21st. See the foregoing.

To 22d. See do.

To 23d. See do.

To 24th. See do.

To 25th. It never has

To 26th. See the foregoing.

To 27th. See do.

To 28th. Nobody has ever done so.

To 29th. We have not:

To 30th. We have not.

To 31st. Never.

To 32d. See the foregoing.

To 33d. See do.

To 34th. There has been no additional stock taken at this branch.

To 35th. See the letter preceding these answers.

To 36th. See do.

To 37th. When this branch first went into operation there were some persons who had bills of exchange discounted here, that enquired whether they could not pay them at our counter if it should be more convenient for them—and they were answered that it was probable that they could, by paying them before they were sent away, which would be but a short time before they were due. We do not remember that there was any positive agreement made with any individual that they should under any state of things pay such bills here. And any thing like such an understanding has been altogether discountenanced since the first or second years of the operations of the bank. Although it has been found necessary in several instances for the bank to take payment here of its bills, rather than enter into litigation or suffer great delay.

To 38th. See the letter preceeding the replies.

JOHN VESTAL, President.

D. R. DUNNIHUE, Cashier.

JOHN BROWN, Clerk.

STATE OF INDIANA, }
 Lawrence county. } sct.

Personally appeared before me, a justice of the peace of the said county, John Vestal, D. R. Dunnibue and John Brown, and subscribed and was sworn to the within and foregoing statements, this 12th day of January, 1838,

MATHEW BORLAND,
 Justice of the Peace.

Replies of the President, Cashier and Clerk of the Evansville Branch of the State Bank of Indiana, to thirty eight "interrogatories prepared by the select committee appointed by the House of Representatives, on Banks."

1st. This Branch has received United States Deposites.

2d. The amount of Deposites received in all, is \$91,558 85, of which only \$30,000 was received in specie upon the 18th February, 1837, the balance being paid us in Indiana paper, and balances due by us to other branches.

3d. The amount of specie on hand the 15th day of August, 1836; was \$87,935 98.

4th. The amount of specie on hand the 18th day of May last, was \$97,938 04.

5th. The amount of specie on hand the 20th day of December last, was \$92,445 25.

6th. When this Branch suspended specie payments some individuals had deposits in it which were made in specie, and the Board resolved that those individuals should be paid in the same, which was accordingly done, and of course no charge was made on that. The Board also resolved that the Canal contractors should receive, in the payments made to them, as much in silver as would enable them to make change in paying their hands, and on this also no per centage could be charged. With these exceptions, in no case has any thing like an amount of five hundred dollars been paid "to any one person, partnership or corporation;" and, in fact, none has been paid to any body but in small amounts, such as ten dollars at a time, upon which no profit was ever made by this Branch, either directly or indirectly.

7th. There is an exchange committee in this Branch consisting of five,

whose duties are defined in the resolution of the Board which appoints them. These duties are the "negotiating bills of exchange, purchasing notes and other evidences of debt, and attending to all matters connected with exchange."

8th. The answer to this is in the affirmative. The 5th section of the charter says that the Bank shall have power "to discount on banking principles and *usages*, bills of exchange, post notes, promissory notes, and other negotiable paper or obligations for the payment of money:" Now, as it is the usage of all banks to discount bills of exchange by means of an exchange committee, without previously submitting the same to the Board, our Directors considered that the above clause in the charter also gave them the right to appoint an exchange committee for the same purpose.

9th. In all cases of discounts made by the Board on paper for five hundred dollars and upwards, the yeas and nays are always taken in a book especially kept for that purpose, and then recorded in the minutes of the Board. The reply to the 8th interrogatory shows how the matter stands in regard to bills of exchange, and we shall now only add that the business done during each week by the exchange committee is submitted to the Board at its weekly meetings.

10th. To give the particulars here required, would be to give a transcript of the whole business done at the bank since its commencement, and which would take up much more time than the committee are, perhaps, aware of; if this is required, be pleased to say so.

11th. From the imperfect manner in which this interrogatory is written out; we have found it difficult to ascertain its precise meaning, but suppose the enquiry to be whether notes, bills, judgments, or other evidences of debt, have been purchased in any other manner by this Branch than at the regular meetings of the Directors, or of the exchange committee? If this is the question, we distinctly answer that not in any one instance has such been done.

12th. The reply to the 11th interrogatory is also in reply to this.

13th. The following are the rates of exchange charged by this Branch on bills and checks purchased and sold at the commencement of each of the quarters of the year 1837.

Purchases.	January.	April.	July.	October.
New Orleans	1½			
New York	1	1		
Philadelphia			1	
Cincinnati			½	1
Louisville	½	½	½	1
New Albany	½			1
Vincennes	½	½	½	
Terre Haute		½		1
Lafayette		½		
Indianapolis			½ to 1	

Sales.	Jan.	April	July	October.
New York	1	1	1½ to 2½	3
Cincinnati	—	½	1	1
Louisville	½	½	1	—
Terre-Haute	—	½	—	—

14th. This branch receives in payment of debts and deposite, the paper of the following banks:

All the branches of the State Bank of Indiana.

All the Kentucky Banks.

All the Cincinnati Banks, except the Miami Exporting Company.

The Bank of the United States.

The Bank of Illinois at Shawneetown.

These are the only Banks whose paper we have been receiving at the three periods mentioned in the interrogatory.

15th. From the 18th day of March, 1835, to the 5th day of December, 1836 both dates included this branch took Louisiana and Mississippi bank-paper at a discount; but, after the latter date, we quit taking it on any terms, with the single exception of ten dollars taken in March 1837, in a case of emergency. We have never taken the paper of any other banks otherwise than at par, except large bills of the United States Bank, upon which we have occasionally find a small premium.

16th. The greater part of the southern paper, taken by this branch at a discount, was sent down to the banks in New Orleans to be placed to our credit there. Some part of it was paid out at our counter, at par, and some of it may have been discounted upon, at par, to Merchants who had payments to make in that city, but the particulars we do not now recollect.

17th. Never having taken any but southern paper at a discount, the 17th interrogatory does not apply to the paper of other banks, as far as this branch is concerned.

18th. The answers to the 15th, 16th and 17th interrogatories fully reply to this.

19th. The profit made by this branch, upon bills of exchange during the year 1837, over and above six per cent. interest, are as follows:

In January, February, and March			
per exchange.			\$723 85
In April, May, and June			
per exchange	195	89	
per damages	629	66	
			825 55
In July, August, and September			
per exchange	275	11	
per damages	692	62	
			967 76
In October, November and December			
per exchange	211	44	
per damages	149	46	
			\$360 90

This branch made no profits in the purchase of bank notes during the year 1837, except fifty cents on the ten dollars mentioned in the reply to the 15th interrogatory.

20th. This branch has been, and is now, unless the commissioners should otherwise decide, employed in making payments to contractors on the public works.

21st. During the years 1837, the bank paper specified in the reply to the 14th interrogatory, was taken at the counter of this branch at par, and no paper of any bank whatever was taken at a discount, with the small exception already mentioned.

22d. With the exception of about three hundred dollars in Shawnee-town bank paper, paid to one man who wished to have it, all the contractors have been paid by this branch in Indiana paper and in silver.

23d. The reply to the 22d interrogatory is a full reply to the 23d.

24th. This branch has never taken the one, two, or three dollar notes of any bank whatever, and consequently had none to pay to contractors or any body else.

25th. This branch has never taken, at any time, or in any manner, or under any pretence, notes, of a less denomination than five dollars.

26th. This branch never having taken "notes of any other bank or banking company, of a less denomination than five dollars," could not pay them out.

27th. There is no arrangement now subsisting, nor has there ever been in existence any arrangement between this branch, or any person acting for it, and any bank or banking company in the Union, for the purpose of procuring notes or checks, of a less denomination than five dollars; nor was ever such a thing dreamt of by us.

28th to 33d inclusive. To these we reply in the negative.

34th. There has been no additional stock taken at this branch.

35th. To reply fully to this interrogatory would occupy much time and require a very long statement of particulars which the pressing business of the bank, at present, prevents us from having made out. We will remark, however, that, at the periods mentioned, nearly all, if not all of our directors had more or less of accommodations. They are by far our largest stockholders and our most extensive merchants, and, in our opinion, their accommodations have not been larger, compared with the amount of their stock and the extent of their business, than the accommodations of other citizens. The responsibilities of our directors have been fully enquired into and examined, by the examiners who have come on half yearly on the part of the State, who have appeared perfectly satisfied with the same; and as we conceive it could answer no purpose to send on these statements, we respectfully request that they may not be insisted upon. We make these remarks not from a desire to shun any investigation, but merely to avoid what we consider a vast deal of unnecessary labor.

36th. This branch has purchased notes and bills of exchange, payable at other branches, to a very considerable extent, and in all cases the rate of interest charged has been six per cent, per annum, and the rates of exchange such as are given in reply to your 13th interrogatory. The

business has been principally done, first, with the receiving and forwarding merchants of this place, who draw upon merchants along the Wabash for charges on goods forwarded. Second, with merchants here, who sell goods to dealers up the country, and take their notes for the amount. And, third, notes on the Treasurer of the State, purchased for the purpose of bringing here public monies which were to be paid or loaned in this district. Of the foregoing, we do not presume you will require particulars, and the following will show what has been purchased besides:

May 20th, 1835. Howard Stansbury's (Engineer,) draft on Gov. Noble for \$200, being to pay hands employed in surveying; no charge made.

October 30th, 1835. Francis Cleveland's draft on David Burr, Wabash, for \$300; on account of Internal Improvements—no charge made.

June 29th, 1836. Andrew Kinnard's two drafts of \$1,000? each at 120 and 180 days, upon G. L. Kinnard, Indianapolis, endorsed by John Law. Exchange $\frac{1}{2}$ per cent. We believe Kinnard purchased land with this money.

November 10, 1836. W. G. and G. W. Ewing's note to John Shaklin, payable in 84 days from date of purchase, in Fort Wayne, for \$400. Exchange 1 per cent. This was given in part payment of property purchased.

January 30, 1837. J. W. Tuley's draft on P. F. Tuley and Brothers, New Albany, endorsed by M. D. Robinson and L. W. Stewart, payable in 4 months for \$1,400. Exchange $\frac{1}{2}$ per cent. We believe that Tuley purchased park with this money.

April 26th, 1837. J. B. McCall's draft on Lucius H. Scott, Terre Haute, endorsed by Charles J. Battell, payable in 120 days, for \$300. Exchange $\frac{3}{4}$ per cent. We are inclined to think that McCall lived upon this money during the time he resided in Evansville, arranging the city of Lamasco.

October 28th, 1837. A Pittsburg bank check upon the New Albany Branch for \$1,100, payable to the order of Thomas Henessy. Exchange 1 per cent. Money wanted for agricultural purposes, and considered a good purchase for the bank.

37th. Bills of exchange made payable otherwise than in Evansville have never been discounted or purchased by this branch with the understanding that they should be paid at its counter, nor have any such bills been so paid, except those which have been returned, protested, from the place where they were made payable.

38th. The following is a statement of all the notes and bills purchased by this branch since the 1st of December, 1837.

December 16th, 1837. John S. Hopkin's note in favor of John Shanklin, payable in four months, for \$200. Charged only six per cent. per annum interest. The money was paid to the trustees of Evansville for the purpose of improvements.

December 25th, 1837. W. Thurston and Co., F. C. Gwathaney and Co., and J. B. Lamphear's joint note for \$1,100; payable to the cashier at 60 days in specie. Charge interest six per cent. This was purchased to procure the specie.

January 1st., 1838. James Laughlin's draft upon Alex'r. Laughlin and Co., endorsed by Shanklin and Johnson, payable at Louisville, 4 mos. after date in Treasury drafts for \$2,000. This money goes to purchase hogs, and the Treasury drafts will go to paying the public deposits. Charge only legal interest.

January 5th, 1838. Garvin and Co.'s acceptance of D. S. Chamber's draft, endorsed by Addison and Clendenin, payable in Louisville in 4 mos. for \$4,000. Exchange 1 per cent. besides interest. This is a renewal of a former bill of exchange purchased of the same parties for 6,000 dollars, and upon which they now pay up 2,000 dollars.

John Shanklin is one of the directors of this branch, and is the only director of any bank in Indiana, whose name is upon any of the foregoing. He is partner of the House of Shanklin and Johnston.

JOHN MITCHELL, President.

JOHN DOUGLASS, Cashier.

ALEX. DONALD, Clerk.

Evansville Branch, 8th January, 1838.

STATE OF INDIANA, }
Vanderburgh county. } ss

Be it known that on this 8th day of January, 1838, before me, William Town, a justice of the peace, in and for the county aforesaid, personally appeared the above named John Mitchell, President, John Douglass, Cashier and Alexander Donald, Clerk, all of the Evansville Branch of the State Bank of Indiana, who being duly sworn, depose and say, that the replies given in the foregoing sheets to thirty eight interrogatories, are true and faithful replies so far as is consistent with their knowledge, derived from personal attendance in the office of the bank, and a careful examination of the books of said Evansville Branch Bank.

Given under my hand and seal, this 8th day of January, 1838.

WILLIAM TOWN, J. P. (L. S.)

BRANCH BANK INDIANAPOLIS.

To interrogatory No. 1. I answer that this branch has received United States deposits, but none since the 15th August, 1836.

To interrogatories 3, 4 and 5. The amount of specie in

this branch on the 13th August, 1836

\$159,500 96

The amount of specie in this branch on the 20th May, 1837	103,415 08
do do in vault 20th	
December, 1837	\$90,897 18
The amount special deposit in branch Fort Wayne	6,446 16
	<hr/> \$97,343 34

To interrogatory 6. On the 6th July last, on a settlement of our account with the branch at Lawrenceburgh, relative to the public deposits, there was set apart and transferred to that branch by a certificate of special deposit \$15,000, which was charged to that branch and deducted from the account of specie belonging to this branch. This specie is still in our vaults subject to the order of the Lawrenceburgh branch, but not included in the amount above stated, except \$3,180 68, which was recently paid to James Morrison, Esq., on an order from that branch.

Previous to the suspension of specie payments, S. W. Norris, Esq., receiver of public monies at this place, had been depositing in this branch for safe keeping, the receipts of his office. At the time of the suspension there was a balance here of specie deposited in his name, but belonging to the United States of \$4,703 92, which was paid to him on the 9th of December last. Occasional exchanges of gold for silver have been made; but no specie has been sold by this branch since the suspension. In October last \$212 07 in specie was paid to the Treasurer of State for the use of the Executive officers in the payment of postages.

To interrogatories 7, 8, 9, 10 and 11. The President of this branch with two of the Board of Directors constitute an exchange committee. The Board of Directors meet regularly once in each week for the purpose of passing upon notes offered for discount. It is the duty of this committee at any time when bills of exchange, promissory notes or other evidences of debt are offered for sale to purchase them if they deem it expedient. The bills or notes so purchased are entered upon the discount book and the money either paid at the time or placed to the credit of the individual; subject to his check; and as it would be extremely inconvenient and frequently impossible to convene the Board on every such occurrence, the purchases by the committee are at each regular meeting of the Board, submitted for their examination and approval, and such approval is entered on the minutes. The section of the charter supposed to be referred to in the 9th interrogatory is the 79th instead of the 78th, and the sum named is \$500 instead of \$50. The 6th article of the 79th section requires that on all applications for loans of 500 dollars and upwards, if granted, there shall be five concurring votes out of seven, and in that proportion if a greater number are present, and that the ayes and noes shall be entered on the minutes of the Board. The 5th section of the charter, in enumerating the powers of the Board, says it shall have power to "loan money, buy, sell and negotiate bills of exchange, checks, promissory notes and other evidences of debt." The 79th section speaks only of loans in connexion with the ayes and noes being entered on the minutes. It is respectfully submitted for the further consideration of the committee, whether under this

section of the charter the power to "loan money" is not separate and distinct from that of dealing in bills of exchange, checks and promissory notes; and whether if under the 6th article of the 79th section, the ayes and noes of the directory as to the purchase of bills of exchange should be entered on the minutes, it does not also require the directors to be convened and the ayes and noes called whenever a traveller calls to get change for a post note of 500 dollars, or the check of some other branch, or that of a depositor, for that amount shall be presented for payment?

The ayes and noes are entered on the minutes on all loans for 500 dollars and upwards made by the Board, as is required by the charter.

This Branch has purchased promissory notes and sealed bills, other than notes discounted by the Board, or bills of exchange purchased by the exchange committee. And the money on such purchase has been paid without the ayes and noes of the directors being entered on the minutes.

Interrogatory 13. At the commencement of the first and second quarter of the year 1837, the rate of premium charged at this branch on checks drawn on New York, was one and half per cent; at the commencement of the third quarter it was two per cent; and at the commencement of the fourth it was three per cent. The charge for checks drawn at this Branch on Banks in the west has generally been about one half of one per cent., except when the branch had funds in other banks that it was desirable to bring home, checks have frequently been drawn without charge.

Interrogatories 14, 15, 16, 17 and 18. On the first of April and first of July, 1837, the notes of the several branches of the State Bank of Indiana, the Banks in Kentucky, the Banks in Cincinnati, Hamilton, Dayton, Chillicothe and Xenia, Ohio, the Banks in Wheeling, Va., and in Pittsburgh, and the notes of the banks in Washington City, Baltimore, Philadelphia, New York and Boston, and generally the notes of such other Banks as were bankable at par in those cities were received on deposite and in payment of debts at this branch. A short time before the first of December, 1837, the above list was extended so as to include a principal part of the banks of Ohio, and the banks of Virginia. Notes of banks not included in the above list have been purchased and received in payment at a discount. The amount so received in the course of a year cannot now be ascertained, but it has been but to a limited extent.— Notes that have been received at this Branch at a discount of from one to three per cent., were before the bank commenced receiving them, purchased by individuals at from five to ten per cent. and often at a greater rate of discount. When persons came to make payments in Bank that had notes that were not bankable, it was found that if they were sent out to get them exchanged for bankable funds, they were charged three or four times the discount the bank could afford to take them at, and it was therefore thought advisable to take them at such a discount only as would justify the delay and trouble in converting them into available funds. Banks can always take such paper at a lower rate of discount

than individuals residing in the same place, unless they have a large capital and on extensive correspondence, and hence the out cry that is raised by brokers and others when a bank interferes with their profits by doing such business at a moderate rate.

Some of the notes thus acquired have been disposed of to travellers and others who have enquired for them, and others have been sent to Cincinnati and elsewhere, and used in the payment of balances that accrued against this branch on account of collections made here for foreign banks.

In payments at the counter only such paper is offered as is received at par in payment of debts and on deposit, and no person that has obtained a loan or sold a bill of exchange has been required to take at par notes that had been received at a discount.

Interrogatories 20 to 33. This Branch has been employed by the Fund Commissioners to make payments to the contractors on the public works. These payments have principally been made in Indiana Bank notes, and when other notes have been used, they were such as had been received at par in the usual course of business, and such as were daily received at par in payment of debts and on deposit from our customers; except in one instance, in 10,000 dollars sent out from this branch to be paid to contractors in the vicinity of Logansport there was included, by permission of one of the Engineers, who probably had use for it, something less than two hundred dollars of Michigan bank notes, and these had been received here at par.

After the suspension of specie payments, at the request of several of the contractors, who experienced great difficulty in making change in the payment of their hands, and at the request of other persons in business, I procured, an account of this branch, from the banks in Cincinnati, notes of a less denomination than five dollars, which were paid out here to contractors and to others. It was difficult to procure these notes in sufficient quantities to supply the demand, and they were procured in small parcels and at various times. The whole amount procured was probably not far from eight thousand dollars. After the suspension of specie payments it was found that small notes of foreign banks were coming into circulation, and it was thought to be advisable to use those of the banks of Cincinnati, that were well known, and to discourage the circulation of the small notes of more remote banks, with which the public were altogether unacquainted.

These small notes have been received here at par, in payment of debts and on deposit when offered, but such is the demand for them as a medium of circulation, that but very few of them have ever been presented in payment.

There is not, nor has been, any arrangement between this Branch or any individual acting for it, and any bank or any individual in Ohio or elsewhere, for procuring notes of a less denomination than five dollars. When an opportunity offered of sending for some, I wrote sometimes to the cashier of one bank, and sometimes to another, requesting as a matter of accommodation, that they would procure and send them. In two instances, I procured them personally when in Cincinnati, and in every in-

stance they were received at par in exchange for, and as equivalent to, funds bankable in Cincinnati, and without any profit or advantage whatever to the bank, other than the facility they afforded in accommodating the public.

In June last Mr. Merrill brought from the Lafayette Bank, Cincinnati, one thousand dollars in their small notes, which were put up in a package and directed to me, for which that bank was paid by a credit to their account, at par. Mr. Merrill had no concern whatever in the matter, except as being merely the bearer of the package. The transaction was exclusively between the cashier of that bank and myself.

The checks of Goodman & Co. have never in a single instance, been received or paid out at this Branch.

Interrogatory 34. No additional stock has been sold or subscribed for in this Branch.

Interrogatory 19. The profits over and above six per cent. interest or regular bank discounts made on bills of exchange purchased in this Branch were, during

The first quarter of the year 1837		\$705 64
Second quarter	do	214 92
Third quarter	do	115 18
Fourth quarter	do	748 72
		<hr/>
		\$1,784 46

The profits made on the purchase of bank notes at a discount during the year 1837 were, as nearly as can be ascertained, \$44 67.

Interrogatory 35. On the 1st September 1836, the 1st April 1837, and 1st August 1837, the president, cashier, and one of the Directors of the State Bank, and president, cashier and directors of this Branch were liable as endorsers or drawers on notes discounted, but it is not recollected that any such individual was liable on any bill of exchange.

Interrogatory 36. This Branch has purchased bills of exchange payable at other Branches, and drawn upon persons residing where other Branches are located.

Interrogatory 37. In several instances bills of exchange that were purchased at this Branch have been returned under protest, and subsequently paid here. In a few instances, individuals have come to the bank before their bills were due, and requested us to receive the amount and recall the bill, which has been done. In several instances where bills have been purchased of individuals engaged in driving hogs to the Ohio river, it has been agreed that if the individual should fail to make sale of his pork in time to meet his bill, that on his application at the bank a sufficient time before the maturity of the bill, the time of payment would be extended for the whole or a part, either on a new bill or on a discounted note, as was the case as to the bills referred to in the testimony of I. B. E. Reed. But bills of exchange payable at other points are not purchased with an understanding that they are to be paid. They are always forwarded to the place of payment in sufficient time to reach there before they become due.

Interrogatory 38. The amount of new paper discounted in this branch

from the 1st to the 30th Dec. 1837, was \$16,126, of which \$3,700 was to directors of this Branch. The bills of exchange purchased during the same period was \$18,940; of this \$1000 was endorsed by a firm, one of the partners of which was a director.

The amount of discounts in this Branch on the 30th Dec. 1837, including bills of exchange and notes, was \$316,876 28.

Of this, the accommodation to Directors was	\$55,925
To Stockholders	112,680
To others	148,271 28

B. F. MORRIS.

Sworn and subscribed before me this 20th day of January, 1838.

CALEB SCUDDER, J. P.

Answers by James White to the interrogatories forwarded to the branch at Lafayette by a committee of the General Assembly.

1st. Our branch has received United States deposits indirectly (through the branch at Madison.)

2nd. On the 11th of November 1836 we received from the branch at Madison, on account of public deposits, a check on us from the branch at Indianapolis for \$40,699 56, on the 26th December 1836, we received from the same, a check on us from the branch at New Albany for \$24,483 37, on the 16th January, 1837, we received from same, by the hand of John M. Lemon, Indiana paper \$7,000, eastern do. \$1,100, western do. \$2,100, gold \$2,722, 19, and silver \$8,097 81 and on 27th February, we received of same by hand of J. F. D. Lanier (at Indianapolis) gold \$1,942 48.

This is all the sums we have received directly on account of public deposits, though since the commencement of our account with that branch on account of public deposits, we have acknowledged our usual running account as public deposits, such as collections &c., the amounts however are small. The three items of specie above spoken of is all the specie received on account of public deposits since the 15th August 1836.

3d. The amount of specie on hand on the 15th August 1836, was \$90,067 19.

4th. The amount of specie on hand on the 18th May last, was \$91,373 80.

5th. The amount of specie on hand on the 20th day of Dec. last, was \$86,166 23.

6th. We have paid out specie in a few cases since the suspension. Messrs. S. & J. Sherfy left in our branch at different times specie amounting in all to \$1,300 and received as they needed the funds some kind of paper to operate upon, with an understanding that if they stood in need of the same amount in specie, that by depositing they would be entitled to draw the same in specie. On the 9th day of August the specie was delivered to them according to understanding. L. B. Stockton had a credit in our branch at the time of suspension of about \$1,500 which had been placed to his credit with an understanding that he should draw it in specie or paper, at his pleasure. Some part of this amount was drawn in specie, perhaps the greater part, though as the checks are cancelled I could not say positively which kind of funds he drew the most in. The Bank was not benefited by either of the above transactions. It will be seen our specie is reduced more than these amounts would reduce it. It has been reduced by accommodating citizens of the state with change in the redemption of five and ten dollar notes. Our branch never has refused to redeem a five, ten or twenty when insisted upon where we were satisfied it was merely wanted to make change with.

7th. There has not been an exchange committee in our branch for about a year.

8th. When we had an exchange committee it has been frequently the case that notes and bills over five hundred dollars were purchased and the money paid over upon them before the same was submitted to the board.

9th. Money has been paid out upon notes over five hundred dollars without the ayes and noes being called at the time they were passed, not however where an objection was made by any members.

10th. It has been so frequently the case that money has been paid out upon the transactions of the exchange committee before submitting them to the board that it would be difficult to state all such transactions. When we had an exchange committee, their proceedings were generally laid before the board the first meeting thereafter and I have no knowledge of any of their proceedings ever having been disapproved of. Our board are in the habit of having the vote taken and recorded when there seems to be any objection, showing precisely how each member voted, but when there is none made, they consider it as unanimously, I believe, and it is so entered upon the minutes. Our President is required, in order that it may be known if there is any objections, to distinctly put the question, in all cases "shall this note (or bill as the case may be) pass?"

11th. Our branch has purchased bills of exchange and checks which I consider not regular bills of exchange, other than those discounted at a regular meeting of the board.

12th. In June 1836, we took of Isaac C. Elston some bills of exchange which had some days to run, with an understanding that he should not draw the money until after they become due, which were placed to his

credit and charged to the Merchant's Bank of New York. They were placed to his credit at par and he did not draw the money until after they had been paid and placed to our credit in the Merchant's Bank. The amount of these bills were as follows and at the time each had to run attached:

One for	\$8,000	at 35 day	3time to run	25 days.
" "	2,039 83	" 30 "	" " "	20 "
" "	3,827 31	" 90 "	" " "	82 "

On the 14th July, 1836, our exchange committee took of T. J. & D. Wallace their check on the Merchant's Bank of New York for \$4,000 at 90 days at par, interest off, Isaac Coleman do. \$4,000, Hoffman & Schlosser \$1,200 do. and on the 16th of. Webb & Shoemaker \$5,000 do.

At the time this was done the members of the board generally were absent at the east, and the persons making the above applications said they were pledged accommodations in the way of regular discounts. The committee not being able to accommodate them agreeably to the pledges which they said had been made them, thought it for the interest of the Institution to make this arrangement until those members should return, in order to keep down excitement against the Institution. As soon as there was a full board the proceedings of the committee were reported and the board stoped discounting at the end of about sixty days, and gave their regular discounts, with which they sent their checks on the Merchant's Bank, which checks were charged to said bank during the time, they paying one per cent. exchange, for the privilege of paying said checks at our branch instead of at the Merchant's Bank of New York.

13th. There has been but few bills purchased by us in the year 1837, but when there has been any, they have been taken at from par to one and a half per cent. during the year. On the 1st Jan. 1837, our rate of exchange on the east was one per cent. thirty days sight, and on Cincinnati $\frac{1}{2}$ per cent. at sight. On the 1st April, on the east 1 to $1\frac{1}{2}$ per cent. and on Cincinnati $\frac{1}{2}$ per cent. On the 1st July, on the east 1 to $1\frac{1}{2}$ per cent. and on Cincinnati $\frac{1}{2}$ per cent. And on the 1st October on the east 2 to 3 per cent. and on Cincinnati $\frac{1}{2}$ per cent. The reason that variations appear in the amount of premium charged on the same place, and at the same time, is, that transient persons were charged a $\frac{1}{2}$ more than depositors, and persons for whom we collect a $\frac{1}{2}$ per cent. more than transient persons, and some have preferred giving a greater premium in order to get checks at sight, and this statement may vary a little as some times the kind of funds received in payment for checks was taken into consideration.

14th. On the 1st of April last, we received almost all solvent banks in the United States on deposit and in payment at par, except from transient persons. On the 1st of July last, we were not receiving any paper except what was par in Cincinnati, or eastern cities and Indiana paper, and on the 1st December last, we were receiving the following banks at par: Farmers and Mechanics' Bank of Michigan, Bank of Michigan, Bank of the River Raisin, New York Safety Fund, New York City, Philadelphia, Washington City, Pittsburgh. Wheeling, Cincinnati, Columbus, Lancaster, Chillicothe, Cleaveland, Marietta, Zanesville, Xe-

nia, Hamilton, Dayton, Circleville, Steubenville, Kentucky, Illinois and Indiana.

15th. It has not been usual with us to purchase the notes of the banks of other States, except for a few months in the fall and winter of 1836 and 1837; some part of which time it was done to a considerable extent, though the transactions were generally confined to transient persons.

16th. We have generally paid out such paper as we have received at a discount to any person whom we had to pay money to, some to depositors, some to discounters, and some upon the public works. It is usual with us, and we have thought it for the interest of the institution to work off such paper first. We, however, never made any distinction between other State Bank received at a discount, and other State Bank paper received at par, and when it was paid out it was generally paid out to persons from we had received the same kind of at par, except what has been paid on the public works.

17th. We have paid out the notes of other banks in the manner just above mentioned, which had been received at a discount.

18th. We have in some few cases required of persons asking for loans to take such paper as the bank would not receive back, and some of which has been received at a discount.

19th. The amount made on bills of exchange during the year 1837, the first qr. damages 44 30; the last qr. damages and exchange 241 41. The amount of discounts made upon other State Bank paper during the 1st qr. of the year 1837, and up to the time suspension took place was 68 39. Since that time we have not received any paper but what we have received at par.

20th. Our branch is employed by the Fund Commissioners to disburse for them on the public works.

21st. It would be impossible for me to recollect the numerous banks received at par at the commencement of each month in the year 1837, and it would also be as difficult to specify the kind received at a discount. None however has been received at a discount since the suspension, and by reference to answer 14th, it will be seen what kind was received at par after the suspension.

22nd. We have paid the contractors generally in such paper as was current in the neighborhood of the bank. At sometimes we have paid all in Indiana, and sometimes nearly all in Cincinnati, at other times we have paid principally in other State Banks. At one time we were compelled to get persons to deposite with us any kind of paper they had, in order to raise a sufficient sum to pay the estimate, some part of which the Bank would not receive back again, and which was paid out with that understanding generally. This was the payment made in August.

23rd. We have paid out Illinois, Michigan and Ohio paper on the public works, but to specify the amounts and times would be impossible. Some of that which was paid out before the suspension may have been received at a discount, but it as well as all other money paid to contractors has been received in the ordinary course of business.

24th. Our branch has paid out a few small notes under five dollars, in all about one hundred and fifty dollars. Some of them were paid out on the public works in September and October. The bank received thirty or forty dollars of this amount in payment, and the balance was deposited by me. None of these notes were urged off, but on the other hand were sought for very much.

25th. Our branch has received small notes in the manner above-mentioned.

26th. Our branch has not dealt in small notes to any greater extent than as answered by the 24th answer.

27th. Our branch never had any arrangement to my knowledge, whereby they became possessed of small notes other than as before mentioned.

28th. No small notes has ever been deposited by any officer of the bank, except those deposited by myself before mentioned.

29th. We never have dealt in small notes to any greater extent than as before mentioned.

30th to 33rd. None of the checks of Goodman & Co., has ever passed through our branch.

34th. The amount of additional capital subscribed in our branch since it went into operation is \$40,000. The original list of subscribers in our branch to the additional stock is on file in the State Bank. When the first instalment was about paying in some of the subscribers names were erased by consent of parties and others inserted. The persons that subscribed were generally the owners of the stock, except that some of it was taken in the names of families.

It has been so long since our subscription was made that I could not tell who was accommodated with discounts, one month before and one month after such subscription was made. As no distinction is made between the renewals and new discounts upon our discount book, it would be useless to undertake to select the new discounts from the renewals.

35th. No officer of the State Bank was liable at the times mentioned for any amount. The officers of our own branch were generally liable, but it would be very difficult to answer the question with any kind of accuracy if it is intended that all the liabilities shall be given, at the periods mentioned, as the amounts are stricken from the credit book without noting the time they are cancelled. If it is important that this question should be answered in the manner it is put, and the Committee will inform me, I will give all the satisfaction our books will enable me to do on that subject.

36th. Our branch has purchased a few notes payable at the branch at Indianapolis. The most important of the transaction of this kind was the purchase of two notes made by Jonas & David Clark for 4,500 each of Taylor & Marshal. I do not recollect the time they had to run, but recollect they had more than 90 days. They were understood to be regular business notes given by the Clark's at long time, for property in Michigan City, they however failed to meet them, and they were renewed by the endorsers in our branch. No bill has been drawn by any person re-

siding at our place on any person residing at the location of any other branch.

37th. I have no knowledge of any bills being purchased with an understanding that the same should be paid at our counter.

38th. The amount discounted since the first day of December last is \$67,675 out of which the following persons (officers of the Bank) have been accommodated to the amount attached to the names:

Isaac Coleman	\$1,500	N. Stockwell	\$3,000
S. J. Hanna	1,666	W. P. Heath	500
S. Taylor	1,000	E. Barroll	1,500
J. Curtis	1,000	D. Runnion	1,250
R. S. Ford	880	J. Andrew	1,000
John McCormick	1,500	James White	1,000

\$15,786

JAMES WHITE.

STATE OF INDIANA,}

Marion county. }

Personally appeared before me the undersigned, a justice of the peace in and for said county, James White who being duly sworn deposed and saith, that the foregoing answers to the 38 questions proposed to him, is true in substance and fact.

Given under my hand and seal this day 13th day of January, 1838.

THOMAS M. WEAVER,

Justice of the Peace.

My connexion with the bank has been such as not to enable me to make answers to all the questions put by the committee, but I have read the foregoing answers made out by the Cashier, which I can say, from a general knowledge of the transaction of our banks are correct,

J. S. HANNA,

Sworn to and subscribed before me this 13th day January, 1838.

THOMAS M. WEAVER,

Justice of the Peace.

The undersigned President, Cashier, Teller and Book Keeper of the Lawrenceburg Branch of the State Bank of Indiana, reply to the several interrogatories proposed by a Select Committee of the House of Representatives, by their members, as follows:

Answer No. 1. This branch has received deposits on account of the United States.

No. 2. The following is a statement of funds received on account of the General Government at this branch, exhibiting the kind received, date and when received.

1836.			
Oct'r. 1.	Transfer draft on the Richmond Branch, for which we received credit in that branch		15 ⁰ ,251 83
Nov. 25.	Gold	47,021 20	
	Silver	127,604 00	
	Notes of the branches of the State Bank of Indiana	34,360 00	
	“ “ Kentucky banks	1,850 00	
	“ “ Cincinnati “	25,965 00	
	Checks on do “	850 00	
	Notes of the Pennsylvania “	2,070 00	
	“ “ Michigan “	830 00	
	Checks on the Branches of the State Bank Ind.	2,143 20	
	Notes of the Pittsburgh Banks	1,170 00	
	“ Eastern “	5,620 00	
	Checks on do “	4,563 27	
	Notes of the Virginia “	200 00	
			254,246 67
Dec. 3.	Transfer draft on Indianapolis branch for which we received cr. in that branch	228,825 28	
1837.			
Jan. 2.	Silver	54,665 95	228,823 28
	Gold	25,497 23	
	Indiana bank notes	20,365 00	
	Cincinnati “ “	14,550 00	
	Pittsburgh “ “	1,425 00	
	Kentucky “ “	160 00	
	Philad. “ “	690 00	
	New York “ “	1,690 00	
	Virginia “ “	50 00	
	Maryland “ “	70 00	
			119,163 18

Feb. 3.	Gold and silver	31,086 38	
	“ “ in Richmond branch	25,500 00	
			56,586 38
Mar. 25.	Silver	28,000 00	
	Paper	130 00	
	Deposite in Richmond Branch	12,000 00	
	“ Fort Wayne	10,000 00	
			50,130 00
April 3.	U. S. Paper	705 00	
	New York and Philad. “	740 00	
	Penn. and Virginia “	460 00	
	Cincinnati “	3,730 00	
	Kentucky “	250 00	
	Indiana “	4,215 00	
	Checks on Indian banks	815 00	
	Gold and silver	113,280 00	
			124,195 00
			992,398 33

RECAPITULATION.

Gold and silver	427,154 75
Bank notes	121,295 00
Checks	8,371 47
Transfer drafts	388,077 11
Deposite at Richmond and Fort Wayne to our credit	47,500 00
	<u>\$992,398 32</u>

No. 3. The specie in this branch on the 15th day of August, 1836, amounted to \$112,233 39.

No. 4. On the 18th of May, 1837, \$175,834 00.

No. 5. On the 20th day of December, the specie in
this branch was

Specie on special deposite in Indianapolis branch	51,119 56
Do in the Ohio Life Ins. and Trust Co., Cincinnati	15,000 00
	50,000 00

\$116,121 28

No. 6. Sums over 5,000 dollars have frequently been paid in specie since the 18th of May last. 35,000 dollars was paid on a government draft in favor of the State of Missouri in June, to an agent of the State Bank of Missouri, who presented the draft. \$50,000 was paid in July on a government draft to the Treasurer of the United States at Washington City. Also 25,000 dollars to the Richmond Branch and 15,000 dollars to the Fort Wayne Branch. All other payments in specie were on special depositories made by the government and individuals with the under-

standing that they were to receive specie when called for; by which operations there was nothing made by the bank.

7. There is an exchange committee in this branch, appointed each month, consisting of three members, whose duty it is to meet at the bank on each day, and pass upon all bills of exchange offered.

8. The proceeds of bills of exchange are always paid at the time purchased, or passed to the credit of the party selling the bill. All bills purchased are submitted to the board of directors at their next session and sanctioned by the board, in conformity to an order of the State Board in the following words, to wit:

"Resolved, That in the opinion of this board, the exchange committees of the respective branches, should report their proceedings for confirmation at the the next regular meeting of the board by which they have been appointed, and that these proceedings should be entered as the proper acts of the board."

9. The entry on our minute books made on every discount day, show the ayes and noes on all discounts in words following:

"Board met pursuant to adjournment.

Present A F

B G

C H

D J

J J, &c.

After reading the minutes of the last board, (and approving of the acts of the exchange committee,) the board proceeded to consider the offerings for discount for this day, and after giving to each offering a separate consideration, all the notes and bills entered on the discount book were discounted and purchased; all present voting affirmatively except A and B, who voted against such a note or bill," describing it, &c.

10th. To answer this interrogatory, would require a transcript of all the proceedings of the committee, which we suppose not necessary, as your object is attained by our answers to your 8th and 9th interrogatories.

11th. This branch has never purchased any promissory notes, sealed bills, judgments, or any other evidences of debt, other than regular and negotiable paper and bills, by the board of directors or exchange committee.

12th. Having answered the 11th interrogatory in the negative, this one of course requires no answer, as nothing has been done in the purchase of notes, &c.

13th. Half of one per cent. has always been charged by this Branch on 90 day bills payable at any other Branch in the State, or at Cincinnati or Louisville; on the east at par; and on 4 months paper 1 per cent. except when payable east, in that case, generally at par, but sometimes $\frac{1}{2}$ per cent. has been charged. The foregoing may be taken as the uniform rates of exchange, but at several times when funds were required at certain points, to meet the obligations of the bank, a lower rate of exchange has been charged, but never more.

14th. This Branch received on deposit, and in payment of debts, on the 1st of April last, the paper of all the Branches of the State Bank of Indiana, United States paper, all eastern paper that was at par in Cincinnati, all Kentucky paper, the paper of all the banks in Cincinnati, the Hamilton, Dayton and Urbana Ohio banks. On the 1st of July last the same kind of paper was received as on the 1st of April, with the addition of Illinois paper, and on the 1st of December the same as on the 1st of April.

15th. This Branch has never received on deposit, or in payment of debts, any bank paper at a discount; neither has she ever purchased any bank paper at a discount. Should any such case exist, they have escaped our memory, and nothing of the kind was ever authorized by the Board of Directors.

16th, 17th and 18th. No answers are required to these interrogatories, as no such cases could exist, not having at any time received paper under par.

19th. The exchange charged on bills of exchange purchased by this Branch in the year 1837, is as follows:

1st quarter	\$1,702 33
2d do	405 02
3d do	112 26
4th do	571 72
	<hr/>
	\$2,791 43

20th. This Branch has been and is, the disbursing agent on the White Water Canal, by an arrangement with the Fund Commissioners.

21st. During the whole year 1837 the following paper was received on deposit and in payment of debts at this Branch. The paper of all the Branches of the State Bank of Indiana, Kentucky paper, the paper of all the banks in Cincinnati, Dayton, Hamilton and Urbana paper, Ohio, the paper of the banks at Wheeling and Pittsburg, all eastern paper that was at par in Cincinnati, and United States paper, also in small amounts with other funds, to accommodate our customer, the notes of the interior Ohio banks, Michigan and Illinois; and during the months of July, August and September, we received all the Illinois paper that was offered, and in October and November, in small amounts to accommodate our customers. No bank paper was received at a discount in the year 1837, nor in any other year.

22d. The paper paid to contractors on the White Water Canal, was the very same kind received and receivable at our counter. No account was ever kept of the relative amount of each.

23d. Illinois and Ohio paper have been paid on the White Water Canal, (but no Michigan paper) how much of such is impossible to say, as no account was taken. A large amount was paid in the paper of the Cincinnati banks, and not to exceed in all of Illinois paper \$2000. The paper paid on the public works was such as was received in the ordinary course of our business, and such as was received daily at our counter at par, and without any arrangement whatever with the banks issuing it.

24th. This Branch has paid to contractors on the public works, 1, 2 and 3 dollar bills in small amounts, but never has been able to furnish as many as the contractors required, or were anxious to receive; the precise amount we are unable to state, but all that were paid out were received in the ordinary course of business.

25th. This Branch has, from the time she commenced business, and up to the suspension of specie payment, received the issues of a less denomination than \$5 of Cincinnati banks and no other, but did not pay them out again at our counter, but sent them home. Our object in receiving them was to take them out of circulation, that specie might take their place, which object was accomplished by that cause of policy. Since the suspension of specie payments we have received and paid out bills under five dollars, but the amount has been very limited.

26th. This Branch has paid out bills of a less denomination than \$5, as stated in our answer to your 25th interrogatory; also, the checks of Goodman & Co. on the Madison Branch have passed through this Branch of one dollar each. The cause and manner of those checks being in this Branch is as follows: In making payments to contractors on the White Water Canal it was difficult to make change, and the contractors complained of the difficulty they encountered in paying off their hands; on that account, and at the request of several of the contractors, this Branch, by the cashier, first procured \$100 of those checks of Goodman & Co. in exchange for Cincinnati paper, in November last: These checks were paid out at our counter, and were sought for with avidity by many of our merchants and others. This Branch in the same month procured \$2,000 more of the Goodman & Co. checks on the Madison Branch, about \$1,000 or perhaps \$1500 were paid out on the White Water Canal towards the last of November. They were received by the contractors and others willingly, and they considered it an accommodation to them. Since the action of the State Board in November in relation to small notes, and those checks of Goodman & Co., this branch has received all those checks offered, but does not pay them out, but sends them to Madison, where they are made payable, and they seem to have all nearly disappeared in this neighborhood.

27th. There is no arrangement existing, neither has there ever been, between this Branch or any individual acting for it, with any bank or banking company, in Ohio or elsewhere, in relation to small notes, whereby this bank has heretofore, now, or hereafter is to receive, pay out, or give circulation to their paper or checks of a less denomination than five dollars.

For further information in regard to the Goodman checks, see accompanying exhibit marked A.

28th. Small paper has been received of all and every person offering it at our counter, of solvent banks, and as before stated, was not paid out again, but sent home prior to the suspension of specie payment. To designate the amount received, or of whom, and when, is impossible, but the amounts so received have been very limited, and in the ordinary course of business.

29th and 30th. Answers to these two interrogatories are in the affirmative, and explained in our answers to former interrogatories.

31st. Goodman and Co. keep no deposits in this branch, and as they have not checked on this branch, a deposit here is not necessary to give credit to their checks, their firm being well known and in good credit.

32d and 33d. These two interrogatories have been answered affirmatively.

In reply to that part of your interrogatory No. 34, requiring the discounts and liabilities incurred by the subscribers for the new stock, for one month before and after the subscription for the same, we say we cannot answer without having more time than we can at present devote to it, as it would require an abstract of the business of the bank for two months, to ascertain the new paper, if any, in those two months. The following statement will probably suffice.

The entire \$45,000 of additional capital, as above subscribed for, was paid on the 10th day of November, 1837, in specie, or checks on this branch for deposits which had been previously made; and on a careful examination of the character of the funds previously deposited by the stockholders, it is ascertained that there was received in specie about \$9,000, and the balance in United States paper and eastern checks, on which a premium of from a half to one per cent. was obtained since by this branch.

35. To reply accurately to this inquiry, would occupy more time than the officers of the branch can devote to it at present, as it would embrace the accounts of probably twenty individuals, as between the 1st of September, 1836, and April 1837, the board of directors and officers were changed essentially, and the same individuals who were officers and directors at one date were not at another. But should it be deemed necessary by the committee to have the information required by this interrogatory, it will be furnished with as much accuracy as possible, and with the least possible delay.

36. This branch has not to our recollection, ever discounted a note payable at any other branch in the State; in some instances, but not numerous, bills of exchange have been purchased payable at other branches in the State, and in every such case it was for the accommodation of the person selling the bill. If it had 90 days to run, $\frac{1}{2}$ per cent. exchange was charged besides the discount, and if it had 4 months to run one per cent. has been usually charged. To ascertain the particular cases and individuals would require an examination of our discount book from the commencement of our business up to this time.

27. In reply to this inquiry, we are frank to admit that early in the operations of this branch, before our duties and privileges were well matured and understood, sundry bill purchased by this branch were paid at our counter, or recalled and paid at our counter at the special request of the party who owed the bill, for further explanation see statement marked B.; but there has never existed a rule or order of the Board, directly or indirectly, authorizing the payment of a bill payable abroad, to be paid out at our counter.

38. The following is a statement of all the notes discounted and bills purchased at this branch since the 1st day of December last:

Notes, including renewals and new business,	\$238,193 82
Bills of exchange	66,925 68

In addition to the responses of the officers of the Bank to the interrogatories of the select committee of the House, I have, for the further information of the Committee and House made the following extracts from the minutes of this branch, which goes to present the general policy pursued by this branch.

As early as January, 1835, the cashier submitted for the consideration of the board, and which was received by them, and made the basis of the policy of the bank, the following communication:

GENTLEMEN:

The end anticipated in the establishment of this institution, was to furnish facilities of exchange and a safe and convenient circulating medium, as also the location of capital at a point accessible by our enterprising exporters; large dividends and the interest only of stockholders not being the foundation upon which, in point of benefit, this institution was exclusively based. Then, to answer the reasonable expectations of the stockholders, which is due to them, the energies of this board should be directed, first, to secure a fair dividend to the stockholders; and, secondly, to carry into effect, the original design of the institution. This much premised, it follows, that to accomplish this two-fold end, a prudent as well as liberal policy should be pursued.

In the history of banking, this fact appears to be established that the more widely the paper of a bank is circulated and the nearer it approaches in value to a specie circulation, the less frequent are the calls upon the bank for its redemption, and the consequence is, that a greater amount of paper can be kept in circulation upon any supposed capital in the vaults of the bank. The benefit of which, in effect, is this, there is an actual augmentation of active capital to the community equal to the excess of paper in circulation over the specie funds in the bank, during the continuance of the permanent credit of the paper. Then, the great consideration and point which should occupy the particular attention of those who direct and control the operations of this institution, is the securing a permanent credit to the paper at home, and to the extent it is desirable it should circulate. To accomplish which there should be at no time a greater amount put into circulation, than is necessary for the active operations of exchange and trade. For should the amount exceed

that limit, the holders, in preference to holding the paper, would embrace the first opportunity to exchange it for something, the value of which would not be subject to depreciation by time; it would be exchanged for specie, and consequently such excess would thus be thrown back upon the bank.

Again, to maintain a credit for the paper, facilities must be sought for and placed, as far as practicable, within the reach of the holders of the paper to convert the same into other funds of specie value, or specie itself, with the least possible inconvenience. When a credit of this kind is attached to a paper currency, it will pass from hand to hand, and maintain a free circulation, and accomplish all the purposes of commerce and exchange that can proceed from exclusive use of coin, and the channels through which the paper will find its way back to the bank, will be uniform, and it will not return faster than is necessary to maintain a healthy circulation of the currency of the country. A paper that does not possess this credit, and that is difficult to convert at pleasure into such funds as the holder wishes to obtain, requires a forced circulation and every holder is anxious to part with it; and when he receives it, it is with reluctance or at a discount. The consequence is, its return to the bank and the channels through which it may return, can never be anticipated. It will be thrown back from every quarter, and frequently in large amounts; being collected by brokers at a discount, and specie or par funds will always be demanded for its redemption. Thus situated, as we are at an important commercial point, to accomplish every thing, contemplated by the organization of this institution, it is only necessary to establish a permanent credit for our paper in Cincinnati any paper that has a free circulation in Cincinnati and can be exchanged at pleasure for other funds without loss or discount will very soon be received and circulated freely as a circulating medium throughout the whole valley of the Ohio. When this is accomplished, the track to be pursued is plain and easy. Let all purchases of bills and discounts be at short dates, thereby having at all times the whole resources of the bank within your control, for should any untoward event cause a sudden run upon the bank, solvent paper that has short dates to run could with but little inconvenience be converted into cash if necessary. Again such inducements should be held out to the enterprising traders and facilities afforded them, as would induce them to bring into the country specie funds in exchange for the produce of the country, all of which is respectfully submitted.

Signed

E. D. JOHN, *Cashier.*

The following is the 12th rule as amended of the by-laws for the government of this branch, defining the duties of the exchange committee, &c. to wit:

RULE 12. There shall be appointed monthly a standing committee of exchange, consisting of 2 members and the President, who shall pass daily upon all offerings of bills of exchange. No bill shall be purchased if objected to by a single member of the committee or if it be without at least two responsible names as either drawer, acceptor or endorser. The rates of

exchange, and the time on which bills may be drawn, shall be hereafter fixed from time to time by the exchange committee, subject always to any special order of the board.

The following is an advisory order of the parent board, in relation to the proceedings of exchange committees.

Resolved, That in the opinion of this board the exchange committees of the respective branches should report their proceedings for confirmation at the next regular meeting of the board, by which they have been appointed, and that these proceedings should then be entered as the proper acts of the board.

The following resolutions were adopted at various times for the direction and government of the exchange committees in this branch, by the board of directors.

Resolved, That the Cashier of this branch be instructed to charge one half per cent. on all bills purchased, made payable in Cincinnati or Louisville, and no more unless the banks in those cities shall fix the exchange at a higher rate.

Resolved, That the exchange committee be instructed to charge one half per cent. exchange on all bills purchased, payable in Cincinnati, having not more than ninety days to run.

Resolved, That the Cashier hereafter in all instances transmit all bills of exchange payable abroad, the place at which they are payable, and in no instance receive payment for such bills at the counter of this branch.

Extracts from the minutes in September, 1836. To the board of directors of Lawrenceburgh Branch.

GENTLEMEN: I would call your attention to the unprecedented reduction in the amount of specie in your vault since the 3rd inst. and up to the 17th inst., the specie has been reduced \$43,858 24 of which \$26,000—was paid to an agent from the New Lancaster Bank and \$15,000, to the branch of the Northern Bank of Kentucky at Louisville and the balance \$2,858 24 to individuals and principally to Pensioners—during the same period the receipts of specie at the bank has been about \$2,900—which has been paid out again making the total payments in specie in two weeks \$45,858 24—a late communication from Mr. Ray, Cashier of the State Bank, gives the information that the State Bank of Indiana has been selected as a repository of the Government funds, but that no order had yet been received authorizing the transfer to the river Branches of the balances in the Indianapolis and Richmond Branches of the deposits as contemplated by the State Bank, but that the Government is still making transfers from those two last named branches to Ohio and Kentucky.

Judging from the present features of the affairs of this bank together with her prospects and resources ahead not being able to rely confidently on the Government deposits. It is my deliberate opinion that this branch should provide herself with from \$75 to \$100,000 of specie or an immediate reduction in her discounts and a call upon her debtors must be resorted to—which would very much distress the community at this period, it being a season of the year, when money is not only scarce but

of great value to the holder and no bank facilities can be had in Cincinnati or elsewhere to enable those who owe us to make payment.

The increase of our capital in November will be 62,500 dollars, of which 40,000 dollars will be the last instalment on the original stock, of which last sum the State will pay 20,000, and probably 15,000 dollars more on account of individual stockholders, which will amount to \$35,000 which may be considered as the amount of the real increase of capital to this branch, the balance which will be paid by individuals will in all probability be paid by them in checks on us on account of deposits for which the bank is liable to pay specie, and as regards the individuals they having the right to draw specie from the bank, is equivalent to payment in specie. But upon which no discount can or ought to be based unless as above suggested the bank procure from abroad the sum of say \$75 or \$100,000 of specie. Should that be done the bank may with safety discount at her present rate, which is 2½ on her capital, which would enable us to increase our business say 145,000 dollars, which will be of essential benefit to the public, the approaching produce season and the profits of which will be equivalent to the bank to the cost of procuring specie. I therefore recommend the adoption of the following or a similar resolution.

Resolved, That a contract be entered into with the Lawrenceburgh and Indianapolis rail road company to furnish this branch with \$100,000 in specie (American gold) at a premium equal to the exchange for eastern funds and expenses incurred by transportation, insurance, &c.

Signed

E. D. JOHN, Cashier.

Whereupon the following resolution was adopted:

Ordered, That Omer Tousey, as agent for the L. & I. R. R. Company be authorised and requested to procure and deliver at the Lawrenceburgh branch bank from sixty to \$100,000 in specie, for which this bank will allow said company a premium of one per cent. and pay insurance and charges of transportation.

Extracts from the minutes March, 1837.

Before the proceedings of this day were signed the following communication was received from the cashier, which was read and approved.

To the Board of Directors,

GENTLEMEN: Having at an early period in the history of this bank submitted to the board of directors, my views on the general policy, which should govern this institution, which policy as then recommended, and which at that time received your favorable consideration. I am yet of the opinion was based on correct principles. The most prominent items of which were first, to pursue such a course as would meet the reasonable expectations of the stockholders (which of course included to State being owner of part of the stock) by securing to them a fair dividend, and in the next place meet the expectations of the public by furnishing a safe and convenient currency, and affording facilities to the produce dealers and to other classes of our citizens whose industry, perseverance and enterprize entitle them to bank accommodation and it is with satisfaction that I can bear testimony to this enlightened

and liberal policy hitherto pursued by this Board to accomplished these ends.

But from the existing state of the finances of the country to east and south and also in the west, growing out of the fluctuations and unsettled policy of the general government in her fiscal relations; great prudence and foresight are necessary on the part of this Board to secure and perpetuate the results anticipated by the establishment of this institution.

Owing to the rejection of the bill by Congress rechartering the bank of the United States and the removal of the deposits from that institution to the local banks, may be attributed the unprecedented accumulation of banks throughout the union and consequent speculating mania that pervades all classes of our country, the result of which will (at no distant period and even now is seen and felt to some extent) be great embarrassment in all monied institutions and in all monied operations.

The whole community have and are over trading themselves. Liabilities are incurred by banks and individuals to an alarming extent and general bankruptcy must inevitably ensue if a timely corrective is not applied and although it is not in power of this bank to avert the impending evil, yet so far as her credit is involved this board is competent to protect herself and maintain a sound currency to the extent of her circulation and influence. And here I will remark a due and proper attention should be given to the exchange between the east and west; to ascertain on which side the balance preponderates with the cause and effects.— During the existence of this bank thus far, a large amount of eastern capital has been brought from the east into the west by the sale of State bonds by the western states for banking capital and objects of internal improvement, most of which has been drawn for through the medium of western banks in favor of merchants making remittances to the east in payment for merchandise consumed in the west, and notwithstanding this sum has been large, which together with all the United States paper and eastern funds brought from the south and elsewhere, yet all put together the eastern exchange on the west has fallen short of the demands and large amounts in specie have been shipped to the east to supply the deficit. What is it to be inferred from this state? is it not that the balance of trade is against the west, and had it not been for the eastern exchanges obtained by the sale of State bonds, an equal amount of specie would inevitably have been drawn from the west in payment of her eastern debts, which would have reduced our specie at least one half within the last year.

It is proper however to observe, I do not believe the surplus produce of the west is insufficient to meet the demands of the world against her for imports; for it should be borne in mind a large amount of the annual produce of the west is expended in the west in the purchase of land and in the improvement of farms, and the building up our villages. Yet the amount that assumes the form of eastern exchange falls very far short of the importation to the west.

From the great embarrassment in the money market in the east, many extensive failures have recently occurred, the result of overtrading and speculation, it is feared that our State Bonds authorized to be put in

market to raise funds for various objects of internal improvement, cannot be cashed at a fair rate to the extent anticipated by the last Legislature. Should this be the result, the evils as before suggested (the exchange being against us) will be realized in a drain of our specie from the west, which will affect all the banks in the west. With this state of facts before us, it behoves us to prepare for the exigency, and to accomplish which I would recommend a general reduction of the liabilities of the bank, by reducing her discounts to, say \$400,000 within the next quarter, and then, if found necessary, make a further reduction, as the safety of the bank and the ability of her debtors require and will justify. From the state of this bank of the 25th inst. you will discover we have but little available means to redeem our paper of the banks in Cincinnati, and most of our collections made at Cincinnati are paid in our own paper. I would therefore advise the purchase of a different class of paper, payable in Cincinnati, from that hitherto purchased, let it be such as will be met at maturity, and that will not be liable to be paid in our own paper. The average amount of our own paper returned upon us through the Cincinnati banks, is about \$25,000 per month, then that amount, or say \$30,000, should be provided for each month by the purchase of bills payable at Cincinnati, of the character just named.

Signed

E. D. JOHN. Cashier.

Whereupon the following resolutions were adopted.

Resolved, That the exchange committee hereafter shall not purchase a bill payable abroad, unless they are satisfied there is or will be funds at the place where the bill is payable, to meet it at maturity.

Resolved, That should there be applications to this bank hereafter, to sell a bill with a view to take up or aid in payment of a bill previously sold the bank, in all such cases the committee shall decline purchasing excepting in cases in aid of produce dealers, where assurances have been given, and where the arrangement is at the request and for the accommodation of the party offering the bill.

Resolved, That the exchange committee hereafter, in purchase of bills, shall be governed by the real wants of the Branch for funds abroad, and the cashier is required from time to time to report to the committee and to this Board, the amount of funds needed abroad to facilitate the operations of the bank in her exchange.

EXTRACT FROM THE MINUTES IN JUNE, 1837.

To the Board of Directors Lawrenceburgh Branch:

GENTLEMEN:

Since you last met I have received from Mr. Lanier, a letter in rela-

tion to the object of his mission to Washington, which I herewith lay before you.

It seems that treasury drafts on us in favor of the States, on account of the surplus revenue, we are expected to provide for; also pay to the treasurer of the United States at Washington, \$50,000 in specie by the 15th of September next, all other drafts on us being recalled, with an assurance that we shall not be drawn on for any more until after the convening of Congress.

I would therefore recommend that this Branch send immediately to Washington \$50,000 in gold, in payment of the requirement of the treasury, due the 15th September next. If this payment is made by the 15th of July next, it will be a saving to us in interest on \$50,000, for 2 months, at 2 per cent. of \$166 67, and a further profit can be made on \$22,000 of sovereigns, of say from \$50 to \$100, which will more than defray the expenses of making the payment at Washington, which will be lost if the payment is deferred until September.

Until the payments on account of the Government, as contemplated, are made, and our discounts are reduced to \$300,000, it will be impossible to reduce our circulation, to accomplish which, as far as practicable, by the time a resumption of specie payment arrives, the energies of this Board should be constantly directed. But at the same time all the indulgence possible to the debtors of the bank should be afforded.

Signed.

E. D. JOHN, Cashier.

Whereupon on the 3d July, the Board passed the following resolutions, viz:

Resolved, That the cashier leave here on Wednesday next the 5th inst. for the eastern cities; that he take with him \$50,000 in gold, and what eastern exchange there is on hand; and that he arrange for the payment of \$50,000 to the treasury of the United States, to the satisfaction of the Treasury Department, by the 15th of September next, and that he shall exercise his discretion, and be governed by what seems most to the interest of this Branch, whether the payment of \$50,000 to the treasury of the United States be made immediately, or deferred until the 15th September, and no longer; and any balance in his hands after arranging for the payment of the \$50,000 aforesaid of funds belonging to this Branch, he is to deposit in some bank either in New York or Philadelphia, where in his judgment it will be most secure and convenient for this Bank to check for.

EXTRACT FROM THE MINUTES DEC. 11, 1837.

To the Board of Directors:

GENT:—It seems to be the wish of the State Bank, from their proceedings at their late session, that something should be done by the branches

in the way of discounts in aid of produce dealers this winter. To aid you in your decisions on that subject, I now submit a brief view of our means, with such suggestions as to their application, as the interest of the bank and community seem to require.

The amount of available means other than our own paper, after calling home all of our western bank balances, and paying all bank balances against us is, say	\$15,000
The amount due this bank by eastern banks after paying the government \$70,000, and reducing our debt to the government to \$138,000, say	61,709 10
	<hr/>
	\$76,709 10

Upon a careful view of the ground we occupy, I have come to the following conclusion, as Mr. Woodbury has accepted of my last proposition and agreed to waive the transfer for \$25,000 in specie the 1st January, and accept of the \$10,000 in eastern funds, leaving the balance against us of \$138,000. It is now our policy to advise Mr. Woodbury that he can draw on us for \$38,000 more, payable in New York or Philadelphia, the 1st of April next. To meet this payment, we can permit, if it is deemed expedient, the Fort Wayne and Richmond branches to pay the balance they owe of 35,000 dollars, and we pay the balance of 3,000. After April, in reasonable amounts, we can probably meet the drafts of the government, and also meet the wishes of the State Board, without suffering protest.

Under this view, I would recommend the sale of 60,000 dollars of our eastern funds and an extension of our discounts to that amount in aid of produce dealers, provided it can be loaned in safe hands with a reasonable expectation of it being paid at maturity. This course of policy, if pursued, will not increase our circulation, neither will our specie be reduced, but may, during the operation be materially increased.

All of which is respectfully submitted.

Signed.

E. D. JOHN, Cashier.

Whereupon, the following resolutions were adopted:

Resolved, That it is expedient for this branch to extend their business in aid of produce dealers to the amount of 60,000; provided, the same can be loaned in safe hands with a reasonable expectation of its being promptly paid in current funds in from 3 to 4 months, or in eastern funds from 4 to 6 months.

Resolved, That the cashier dispose of 60,000 dollars of the eastern funds belonging to the branch, for the best premiums he can obtain, for Indiana, Cincinnati or Kentucky paper, by the 1st January next.

The following correspondence explains the arrangement as entered into by this bank and Fund Commissioners for the payment of contractors on the White Water Canal.

NEW YORK, }
Aug't. 27, 1836. }

Cash. Br. Bk. at Lawrenceburgh.

SIR:—I am directed by the Board of Canal Fund Commissioners to enquire whether your branch will pay the drafts on the Canal Fund Commissioners. One of the members of the Board of Internal Improvement having charge of the work on the White Water Canal in the vicinity of Lawrenceburgh, and after the close of each month, furnish to the Fund Commissioners at their office in Indianapolis an acc. current of the payment made during that month, accompanied by the drafts and attached voucher, and receive therefor a draft on New York, for the amount, paid at 60 days from the end of the month in which the payments were made.

In case of your compliance, each draft in favor of a contractor, must be accompanied with an estimate attached of the engineer for 10 per cent. more than the draft, except on final payments, when the draft will be for the whole amount of the estimate previously unpaid. And drafts for other expenditures must be accompanied with the amount therefor attached, properly receipted, and all drafts must have attached thereto the receipt of the drawer. Please direct your reply to the care of James M. Ray, Indianapolis, and if the Board accede to the proposition, please inform the member of the Board of Internal Improvement having charge of the work, that his drafts on us as above will be paid the drawer at your counter.

Signed.

ISAAC COE,
Sec'y. C. F. Comm'rs.

LAWRENCEBURGH BRANCH, &c. }
7th the September, 1836. }

DEAR SIR: Your favor dated New York 27th ult. is received and has been submitted to the Board of Directors of this Branch, and I am instructed to reply that this Branch accepts of your proposition to pay the drafts on the Canal Fund Commissioners of the member of the Board of Internal Improvement, having charge of the White Water Canal and receive therefore the drafts on New York, as proposed.

Signed

E. D. JOHN Cashier.

ISAAC COE, Secretary Canal Fund Commissioners.

In July last a modification of the foregoing contract was agreed upon by which the Fund Commissioners agreed to pay in 30 days instead of 60 days from the close of each month in which payments were made, all of which is respectfully submitted.

E. D. JOHN, Cashier.

STATE OF INDIANA, }
Marion county, }

Before me a justice of the peace appeared E. D. John, Cashier, and W. Thos. Chappell, Teller of the Lawrenceburgh Branch of the State Bank of Indiana, deposed and sayeth that the foregoing several answers to the interrogatories of the select committee of the House of Representatives, together with the extracts from the minutes of the Lawrenceburgh Branch, also exhibited marked B. are substantially true to the best of their knowledge and belief.

E. D. JOHN,
W. THO. CHAPPELL.

Sworn to and subscribed before me this 15th day of January, 1838.

JOSHUA STEVENS,
Justice of the Peace for the aforesaid county.

STATE OF INDIANA, } ss.
Marion county. }

Before the undersigned a justice of the peace within and for said county, personally came Daniel S. Major, President of the Lawrenceburgh Branch Bank, who being sworn saith, he succeeded Mr. Omer Tousey (who resigned) to the Presidency of said Branch some short time since, to wit: in February or March last, that he has not yet become so familiar with the details of the operations of said bank, as the Cashier, and cannot therefore depose positively to all the matters set forth in the foregoing answers, extracts from the minutes of the Board of Directors of said Bank, and exhibit B.; but that he has examined the same, and so far as he states from his knowledge the same are true, and that he believes the same are correct true statements, as they are set forth.

DAN'L S. MAJOR.

Sworn to and subscribed before me this 12th January, 1838.

JOSHUA STEVENS,
Justice of the Peace for Marion county state aforesaid.

EXHIBIT B.

On the 13th of June, 1836, the Bank discounted a note at 90 days for J. H. Lane, with G. P. Buel endorser for 1,500 dollars, which fell due on the 15th, 18th September, 1836.

On the 15th of September, 1836, J. H. Lane offered to the bank his bill to the order of Amos Lane and accepted by Geo. W. Lane & Co. dated 12th of September, 1836, at four months, payable at Cincinnati, which he said should be paid at maturity, and which would enable him to pay his note of \$1,500, due the 15th, 18th September. This bill the bank also purchased charging 6 per cent. interest and one per cent. exchange. On the 15th of January, 1837, this bill fell due and was protested at the Commercial Bank of Cincinnati and returned to this Branch.

On the 21st January, 1837, J. H. Lane, again offered a bill drawn by G. W. Lane, endorsed by G. P. Buel and accepted by himself at 85 days payable at Louisville for \$1000, which he requested the bank to purchase, to enable him to pay his bill of same amount there under protest. The Bank was then desirous of procuring funds at Louisville to meet a Government draft, payable at Louisville on the 15th of April, '37, on that account the bank purchased the bill of J. H. Lane with a positive assurance that it would be paid at maturity. On this bill they charged 6 per cent. interest, but no exchange. On the 15th April this bill was also protested and returned to the bank, and in consequence of the non payment of this bill and others at Louisville, this branch was under the necessity of purchasing Kentucky paper in Cincinnati to meet the Government draft on us, payable at Louisville on the 15th April for which it paid half per cent. premium. On the 17th of April, J. H. Lane, again offered a bill drawn by A. Lane, and endorsed by G. W. Lane & Co., and accepted by himself, payable at the Franklin Bank of Cincinnati, at 3 months for \$700. This bill if purchased, J. H. Lane assured the bank, would enable him to pay his last bill \$1000, yet under protested, to accommodate Mr. Lane, the bank purchased this bill and charged six per cent. interest but no exchange. After the last bill was purchased and the proceeds passed to the credit of Mr. Lane, he referred to adjust his account with the Bank until the 19th May following, when he adjusted the \$1000 bill, which lay under protest till then and in this adjustment the Bank remitted the damages (ten per cent.) to which it was entitled and charged one per cent. on the \$1000, on the ground that it was entitled to damages and had paid a premium on Kentucky paper in consequence of the nonpayment of Lane's bill and other bills at Louisville the 15th April.

On the 13th July, 1837, when the last bill above named of \$700 fell due it was also protested and returned to us by the Franklin Bank of Cincinnati, which bill lay under protest until the 28th August following on which day this branch, to reinstate Mr. Lane in bank, discounted his note, endorsed by Amos Lane, at 3 months, for \$700, remitting all damages, and charged only back interest and protest. On the 27th November, 1837, when this last note for \$700 fell due, it was again renewed for \$620 at 96 days, and will fall due on the 3d, 6th of March next.

The foregoing is a true history of Mr. J. H. Lane's transaction in this particular with the Bank, all which is matter of record on the books of the Bank. He had other accommodations of the Bank, some were attended to promptly, others were not.

CINCINNATI, January 10, 1838.

E. D. JOHN, Esq.

Dear Sir: Your letter of yesterday has just come to hand. In answer we state the following facts:

The plate for our one dollar checks drawn upon the State Bank of Indiana at Madison, was procured by us at our expense, without having any agreement or understanding with any person or bank, that such person or bank should bear any part of the expense of the plate or printing.

We have had no arrangement with you or any other person or bank by which any person or bank was required to receive or circulate our checks.

No one but ourselves or clerks has ever filled up any of those checks.

The whole amount which we have signed is five thousand two hundred dollars; and less than that amount is now issued, and in circulation.

The idea of procuring a plate for one dollar notes was suggested to us by the great and constant demand for notes of that denomination, and not by any person or bank.

One great source of demand was from the steamboats on the river and from all places down the river. To make them payable at Madison, was suggested by the circumstance of the demand being from places down the river.

We are very respectfully,

Your obedient servants,

H. H. GOODMAN, & Co.

Answers to certain interrogatories, made to the undersigned President, Cashier and Teller of the branch at Fort Wayne of the State Bank of Indiana, by a select committee of the House of Representatives of the State of Indiana.

Answer to 1st interrogatory.

This branch has been an indirect deposite branch. On the 15th day of August 1836, this branch was indebted to the branch at Richmond a deposite branch, chiefly, if not altogether, for our notes received through the land office and returned to us—in the sum of \$61,429 68. On the 7th of November same year, the amount then due said branch viz: \$61,057 96, was by transfer draft carried to the credit of the branch at Lawrenceburgh, and on the 14th of the same month this branch was credited with the amount of transfer draft for \$26,087 96 drawn on this branch by

the branch at Indianapolis, a part of this draft was for specie. On the 6th, 11th and 12th of May last, we received from the branch at Lawrenceburgh, by the Receiver at Fort Wayne, \$15,000 in specie. This, forming a part of a deposit which did not reach Lawrenceburgh until after the suspension, was considered a special deposit. Of the amount thus received about \$13,000 may be considered as specie and the balance Indiana bank notes.

Answer to 3d, 4th, and 5th interrogatory.

The amount of specie in this branch bank on the 13th of August 1836, was \$98,563 91—on the 13th of May last, \$102,320 18 and on the 23d of December last, \$116,563 91. The state of the bank not having been made up on the days mentioned in the interrogatory it is not possible to ascertain the precise amount of specie then on hand; it did not, however, vary materially from the amount given above.

Answer to 6th interrogatory. Specie to the amount of \$50 has not been paid out to any persons, partnership or corporation, at any one time, by this Branch, since the suspension, except in cases of special deposit, made with the understanding that specie was to be drawn again. This branch has paid out specie freely for change and the accommodation of travellers, but rarely if ever, in greater sums than 5 dollars. With these exceptions specie has not been paid out to any one since the suspension. There is one other exception which might be noticed. When Mr. Merrill was about leaving Indianapolis last fall to examine this branch, an individual requested him as he started, to purchase for him a lot of land at the Fort Wayne Land Office, and handed him the specie. As the specie was inconvenient to be carried, Mr. M. exchanged it for Land Scrip at the Indianapolis Branch Bank. When he arrived at Fort Wayne, he ascertained that the scrip would not answer the purpose, inasmuch as he could not make the necessary oath. Under these circumstances as nearly as they can now be recollected, an hundred dollars in specie was paid to Mr. Merrill for the scrip.

Answer to 7th, 8th, 9th, 10th, 11th, 12th and 13th interrogatories. There is an exchange committee in this Branch Bank. Its duties are to purchase common promissory notes and negotiate bills of exchange. There has been purchased in all, since the Branch was organized, but eight bills of exchange, amounting in all to \$6,776 25. Of this number six were above and two below \$500. The nett proceeds of these bills were, in some instances, paid to the discounters thereof, before the meeting of the Board next after their purchase. The yeas and nays were not taken on such purchases. These bills were payable in Detroit, Buffalo, Poughkeepsie and New York. The extra discount charged on these bills would average about $1\frac{1}{2}$ per cent. per annum. As this Branch has not dealt to any considerable extent in bills of exchange, the duties of the exchange committee have been confined to the purchase of common promissory notes. Such notes have been purchased to a limited extent, mostly of individuals who preferred selling the notes of their customers to loaning money themselves. Those notes have always been purchased at the solicitation of the sellers and for their accommodation, and in no case has

a note been purchased when the parties thereto could not have obtained a discount, had they wished for it. This Branch has discouraged, rather than approved of the applications, which are continually made to the committee for the sale of this kind of paper. When such purchases have been made, on account of the difficulty of collecting notes not negotiable under our statutes, they have been taken at an average deduction of 2 per cent. per annum above 6 per cent. interest, the deduction varying according to the time and amount of the note purchased. The amount of such notes now on hand, is something short of \$27,000. No other evidences of individual debt have ever been purchased by this Branch. This Branch has charged a premium on checks upon New York of 1½, 2 and in some instances 2½ per cent.

Answer to 14th interrogatory.

On the 1st days of April and July last this Branch received on deposit, and in payment, the notes of all banks in good standing in New England, New York, Pennsylvania, Virginia, Kentucky, Ohio, Illinois, Michigan, &c. On the 1st ultimo we received the notes of all such banks, with the exception of those of the interior of Michigan. At the time when the treasury order went into operation, as from our proximity to the Land Office, our notes returned for redemption faster than was agreeable to us; it was thought that we should be under the necessity of refusing to take every thing but specie or Indiana bank notes. Fortunately however, for our customers, we were able to get along without refusing the notes of any bank in good standing in the northern, middle, and most of the western States.

Answer to 15th, 16th, 17th and 18th interrogatories.

This Branch has never been in the practice of receiving at a discount any bank notes in the transactions of its regular and ordinary business. We have sold to a considerable extent such funds as were receivable at the Land Office at a premium, and paid out at par, the bank notes which we have received in exchange; but in no case have we ever received, according to our recollection, any bank notes in exchange for Land Office money, or otherwise, which we did not receive of our customers at par, in payment of notes due the Branch. We do not recollect of any instance, and we presume that none has ever occurred, in which money has been taken at a discount in the transactions of ordinary business; nor has any person ever been asked to receive for any loan any bank notes which were not receivable or had not been received at the counter of this Branch at par. We have as above stated, sold land office money at a premium, and paid out the bank notes received therefor at par; but they were in all instances, such notes as we received and were known to receive in payment at par.

Answer to 19th interrogatory.

This Branch has purchased, during the last year, but two bills of exchange. The amount of profits made on them over 6 per cent. was \$823. The profits realized on the sale of bank notes during the same period cannot be precisely ascertained. It has probably, however, not exceeded twenty-five dollars per quarter; this was made by the sale of eastern bank notes to merchants, &c. We would however say, that this

Branch received of the Fund Commissioners \$30,000 on Morris Canal post notes, which were sold at an average premium of say $1\frac{1}{2}$ per cent.

Answer to 20th, 21st, 22d, 23d, 24th interrogatories.

This Branch has been employed to make payment to contractors, &c. The banks whose notes have been receivable at our counter have been before named. Our payments to contractors have been chiefly in Indiana and Ohio bank notes. We have in some instances paid small amounts of Michigan, Illinois, &c., but it is the opinion of the undersigned that as large an amount of bank notes other than Indiana, has been deposited in this Branch to the credit of the Fund Commissioners as has been paid to contractors. This Branch has not paid out at any time to contractors or other persons employed on the public works, any bank notes which were not receivable from its customers at its counter at par. We have no arrangement with any bank in regard to receiving or paying out its notes.

Our course has uniformly been to pay out at estimates all the Indiana bank notes on hand (our own excepted) if necessary, and make up the deficiency, if any there were, with the notes of such other banks as we deemed to be solvent, and such only as we received at par, for the credit of the Commissioner of Canal Fund, through Major Lewis, Canal Commissioner, from individuals on deposit or in payment of notes due the Branch.

It is very possible, although no instance with one exception, is recollected, that notes of a less denomination than \$5 have been paid to contractors. The case excepted was that where a contractor called upon the teller before estimate, and requested him to take in and retain for him a few small notes. His request was complied with, and notes of this description to the amount of perhaps \$15 were paid to him. It is not consistent with our rules to take such notes, but in some instances, where remittances have been made to us by mail, and from a desire to accommodate those who otherwise might have found it difficult to have met their liabilities in bank, a few of them have been received. This Branch has not issued any notes between the denominations of 5 and ten dollars, but as we have always continued to pay specie for change, we have found no occasion to use small notes, and we have considered it a duty and have endeavored to discountenance and suppress their circulation. In regard to the precise amount of such notes which have been received at this Branch, we cannot speak definitely; we should think, however, that the amount would not average more than \$5, possibly \$10 per week.

Answer to 25, 26, 27, 28, 29, 30, 31, 32 and 33d interrogatories.

This branch has not received nor paid out notes of a less denomination than 5 dollars, except as above stated. There has not been, nor is there now, any arrangement between this branch, or any person acting for it, and any bank or banking company, whereby this branch has been or is to be, furnished with notes or checks of any denomination or description whatever. We have not the honor of an acquaintance with any of the firm of Goodman and Co. referred to in the interrogatories, nor have we ever seen even any of their checks.

No president, cashier or director of the State Bank, of this branch, or of any other branch, has according to the best of our recollection,

ever paid into or deposited in this branch bank, any bank notes of a less denomination than 5, either for himself or for any other purpose whatever. If they, or either of them, has ever paid or deposited any such note, it has been done under the circumstances named in our reply to previous interrogatories.

Answer to 34th interrogatory.

There have been no additional subscriptions of stock in this branch bank.

The 35 interrogatory will be answered as soon as time can be found to make the necessary investigation.

Answer to 36th interrogatory.

This branch through its exchange committee has purchased two or three notes in all, payable at other branches, and but one since, soon after its organization. This was a note drawn by John B. Dillon of Logansport, endorsed by Walter Wilson and others, for 500 dollars, at 9 months, payable at Indianapolis B. Bank, and was purchased in December last. It was sent to the cashier by mail. Mr. D. was requested to offer in lieu of it a note payable at this branch for regular discount, but his endorsers were absent, and the notes was purchased at a deduction at the rate of 8 per cent. per annum.

Answer to 37th interrogatory.

No bill of exchange or note payable at any other bank, branch or place has ever been purchased or discounted at this branch with the understanding either express or implied, that the same should or might be paid at our own counter.

Answer to 38 interrogatory.

The total amount of new discounts in this branch up to the present time, since the 1st day of December last is \$61,103 21.

In making up these liabilities, whenever a note has been discounted for, or drawn, and endorsed by a firm, any member of which is one of the persons referred to, the amount of the note has been divided among the members of the firm. Thus A. and B. are the drawers of a note for \$2,000. A. is a director, his liability is set down at one, instead of two thousand dollars. Lest, however, this should not meet the wishes of the committee, we give you the liability of the firms of which the persons referred to are members, as well as their liability individually.

STATE OF INDIANA, }
Allen County. } ss.

Personally came before me, the undersigned justice of the peace of said county, Allen Hamilton, President; Hugh McCulloch, Cashier; and M. W. Hubbell, Teller of the Bank at Fort Wayne of the State Bank of Indiana, and made oaths that the foregoing answers to certain interrogatories of a Select Committee of the House of Representatives of the State of Indiana, are true. For knowledge of many of the facts above set forth, they have been dependent upon each other, these they believe to be true. From the limited time they have had to prepare

their answers to said interrogatories, some errors may have been committed, some facts forgotten, but the answers are made in good faith, and contain as they believe the truth and the whole truth, not considering themselves accountable for any error that may have been committed or fact overlooked.

ALLEN HAMILTON, President.
H. M. CULLOCH, Cashier.
M. W. HUBBELL, Teller.

Sworn to and subscribed before me, January 10, 1837.

SMALLWOOD NOEL,
Justice of the Peace.

Replies to interrogatories propounded to the Branch at Vincennes of the State Bank of Indiana by the Select Committee on Banks in the House of Representatives.

Int. 1. Yes.

2d. Statement of the amount of public deposits in this Branch and the funds received.

Received from New Albany Branch on Acc. Pub. Dep. checks as follows:

Checks of N. Albany Br. bal. due on		
general account	10,465 40	
Ck. Lawrenceburgh Branch bal. due	1,599 13	
" Madison " "	21,557 95	
	<hr/>	33,622 48
In notes of this branch		2,190 00
" other banks		2,700 00
" gold		7,624 67
" silver		74,575 33
		<hr/>
		\$120,712 48

3d. Specie in bank, Aug. 15, 1836,

4th. " " May 18, 1837,

5th. " " Dec. 26, "

\$82,087 72
105,363 79
102,108 27

6th. No, except in cases of special deposits with one exception, viz: On the 17th Aug. 1837, \$7,535, in gold was paid to the bank of

Illinois at Shawneetown in part liquidation of a government draft held by that bank on the New Albany Branch.

7th. There is an exchange committee consisting of three members of the board of directors, and of which committee, the president is also ex-officio a member. Its duties are to fix the rates of exchange between this and other points and to purchase bills of exchange when offered for discount.

8th. Yes, it has not been deemed necessary to submit bills purchased by the exchange committee to the board of directors, as it is implied by the appointment of said committee, that it is competent to act definitely upon all matters coming within the range of its duties as said committee.

9th. Yes, on bills of exchange purchased by the exchange committee.

10th. It having been the general practice to pay out money on bills purchased by the exchange committee, without submitting them to the board of directors, it is considered unnecessary to state the particular instances in which it has been done.

11th. Yes, in one instance, the exchange committee purchased two notes of \$400 each, which is the only purchase made by said committee other than regular bills of exchange.

12th. The two notes referred to, were purchased of Samuel Judah on the 11th March, 1837; the first due May 4, 1837; the other due July 4, 1837.

The discount on the first, 54 days to run, at 6 per cent.	3 60	
Interest accruing on the same	8 40	
	<hr/>	\$12 00
Discount on the other note, 115 days	7 66	
Interest accruing	16 50	
	<hr/>	\$24 16

No rates were ever established for the purchase of such bills, as it is a kind of business the exchange committee has always felt unwilling to engage in, and it was through the importunities of Mr. Judah, that these notes were finally purchased having been once rejected.

Int. 13th. The rates of exchange at this bank were never raised until since the suspension of specie payment, except on Alton Illinois, which was changed from one to two and to four per cent. The rates on New Orleans previous to suspension were 1 per cent. on Louisville, Cincinnati, Pittsburgh and on eastern cities $\frac{1}{2}$ of one per cent. There have been no bills purchased on New Orleans since the suspension and on the other places named the rates of exchange have not been charged. Previous to the suspension the premium charged on the sale of bills and checks was from 1 to 2 per cent. on New York, Philadelphia and Baltimore, $\frac{1}{2}$ on Louisville, Cincinnati and Pittsburgh, par on New Orleans and Alton.

14th. On the first of April last, the paper of most of the eastern city banks was received in payment and on deposit at par and some of the paper of country banks, the banks of Kentucky, banks in Cincinnati and branches of State Bank of Indiana. It would be impossible to state all the banks whose paper was bankable at this branch. The notes of the

above named banks were received as above on first July and on the first December last.

15th. Most of the time since the bank went into operation up to the time of suspension it had been customary to purchase bank notes of other states at a discount and in some cases to receive them in payment or on deposit at a discount, but cannot say to what extent, further than that these transactions were rather limited.

16th. Notes of other State Banks received at a discount as above, have usually been disposed of by exchanging them for such paper as was received on general deposit at par, with merchants, travellers and others going to the states in which the banks were situated or to places where the said notes would answer equally as well or better than those given in exchange therefor.

17th. Notes received at a discount were never paid out at par, unless at the choice of the person to whom paid, or by special agreement.

18th. At times when we were unwilling to discount unless the payments could be made in some other than our own notes, it was understood that if any loans were granted the payments should be made in Illinois paper. This paper has been, occasionally received at a discount and is the only paper other than that of our own State Bank that we have ever offered in payment of loans.

19th. Amount of bills purchased

From 1st January to 1st of April, 1837,	\$39,580 50
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Charge for exchange	279 39
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From 1st April to 1st July 1837,	29,759 15
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Charge for exchange	150 30
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From 1st July to 1st Oct. 1837,	8,013 95
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Charge for exchange	92 72
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From 1st Oct. to 1st January 1838,	10,238 40
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Charge for exchange	36 64
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Amount received for sales of United States paper and notes of other eastern banks, for interest on protested notes, for discount on bank paper purchased and for collections;

From 1st January to 1st May, 1837, \$832 04, since the suspension no bank paper has been purchased at a discount.

20th, 21st, 22d, 23d and 24th. This branch has never made any payments to contractors on the public works.

25th. No.

26th, 27th, 28th, 29th, 30th, 31st, 32d and 33d. No.

34th. No additional stock has been subscribed for at this branch.

36th. Yes, bills of exchange have been purchased payable at other branches.

37th. Bills drawn by individuals at a distance on persons residing in this place or vicinity have in a few instances been offered and purchased by this bank.

STATE OF INDIANA, }
KNOX COUNTY. } ss.

Before the undersigned a justice of the peace in and for said county, personally appeared John Ross Cashier, and Geo. W. Rathbone Clerk, of the branch at Vincennes of the State Bank of Indiana, and made oath

that the foregoing answers to interrogatories propounded to them by the legislature, are to the best of their knowledge and belief, correct and true.

JOHN ROSS, Cashier.

GEO. W. RATHBONE, Cl'k.

Sworn and subscribed to this 25th day
of July 1838, before me,

JNO. COLLINS, J. P.

Mr. Milroy moved that 1000 copies of the report be printed.

On motion of Mr. Proffitt,

Said motion was amended so as to print also a like number of copies of the evidence before said committee.

On motion of Mr. Marshall,

The proposition was further amended so that said report be laid upon the table.

When the motion to print, as amended, was decided in the affirmative.

The following message was received from the Senate by Mr. Morgan of R., a member.

MR. SPEAKER:

I am instructed by the Senate to inform the House of Representatives that the Senate has passed an engrossed joint resolution thereof No. 14, entitled

A joint resolution of the General Assembly of the State of Indiana.

In which the concurrence of the House of Representatives is respectfully requested.

Said joint resolution was read the first time,

And passed to a second reading on to-morrow.

The following message was received from the Senate by Mr. Hoagland, a member:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed an engrossed joint resolution No. 140, entitled

A joint resolution for the benefit of the collector of Scott county for the year 1837.

In which the concurrence of the House is respectfully requested.

The joint resolution named in the message was read the first time and passed to a second reading on to-morrow.

The following message was received from the Senate by Mr. Test, their Secretary:

MR. SPEAKER:

I am instructed by the Senate to inform the House that the Senate has refused to concur in the amendment of the House to the first amendment of the Senate to the engrossed bill of the House No. 243, entitled

An act to provide for the payment of clerks employed by the revising and investigating committees during the present session of the General Assembly, and for other purposes,

And they insist on their second amendment to said bill.

On motion of Mr. Crume,

The House insist on their first amendment to the amendment of the Senate to the bill named in the message, and insist on their disagreement to the 2nd amendment of the Senate.

And Messrs. Crume and Proffitt are appointed a committee of free conference appointed on the part of the House to act with a similiar committee to be appointed on the part of the Senate to take into consideration the disagreement between the two Houses.

Ordered, That the Senate be informed thereof and a similar committee on their part requested.

Mr. Owen moved that the previous orders of the day be suspended and the bill of the House No. 277, to change the character of the Madison and Lafayette Road, be taken up.

And the ayes and noes being requested thereon by Messrs. Stapp and Morrison,

Those who voted in the affirmative, were

Messrs. Arnold
Blair
Boyd
Bryce
Brown
Burns
Carr

Gregory
Haddon
Helmer
Henley
Hood
Howell
Hurst

Osborn
Owen
Peaslee
Perine
Porter
Reeve
Ristine

Champer
Cotton of P.
Cotton of S.
Cunningham
Davis
Eldridge
Ferguson
Ferris
Garrigus
Glenn

Huston
Jackson
Leviston
Major
McCrillus
Miller
Milroy
Monroe
Nickel
Noel

Roe
Sims
Smith of W.
Walpole
Watson
Whitman
Williams of L.
Williams of R.
Wilson and
Zenor 51.

Those who voted in the negative, were

Messrs. Berry
Carleton
Cox,
Crume
Dowling
Graham
Hamel
Hawkins
Haymond
Henricks
Herriman
Hocker
Hubbard
Jones

Judah
Kenton
Lane
Lee
Macy
Marshall
Matlock
McClure
Morrison
Murphey
Noble
Pabody,
Proffit
Puckett

Richey
Robbins
Smyth of C.
Stapp
Tannehill
Thompson of A.
Thompson of F.
Vance
Vandeveer
Williams of W.
Wines of G. & W.
Wines of V.
Wyman and
Mr. Speaker—42.

So said motion was decided in the affirmative.

Mr. Judah moved to amend the bill by striking out from the enacting clause and inserting the following:

SEC. 1. That the character of so much of the Madison and Lafayette Rail Road route as lies between Indianapolis and Lafayette is hereby changed from that of a rail road to a McAdamized road; and for the construction of the said McAdamized road, two hundred and fifty thousand dollars, being part of the sum of money heretofore appropriated to said Rail Road, is hereby appropriated.

SEC. 2. That the character of so much of said Rail Road route as lies between Indianapolis and Madison, shall be determined by the Board of Internal Improvement, who at their discretion may construct the same either as a rail road or a McAdamized road, taking into due consideration the general interest of the State, the comparative cost, expense and utility of the roads, and the loss from any change.

SEC. 3. That if the character of the work south of Indianapolis is changed, the board are hereby authorized to locate the McAdamized road to the best advantage, preserving, however, the points made by law. And may compound with contractors, sell materials, and dispose of the right and interest of the State in the rail road route so far as the same

may be constructed, and do and perform all other acts necessary in consequence of such change.

SEC. 4. If said board shall not determine to change said road south of Indianapolis, it shall be their duty to construct a single track superstructure with suitable turn outs, and with flat bar iron rails, provided, that the said board may use the T. rail already purchased, so far as the same may go, if they think it for the public interest so to do.

Mr. Vandever moved to amend said amendment by the following additional section.

SEC. 5. The board of internal improvement shall in the putting under contract the different works as provided for in the act to provide for a General System of Internal Improvement, approved Jan. 27, 1836, make such lettings as will equalize the expenditures on the different works in proportion to the original appropriations made to each specific work, and that no work in said act shall be suspended or postponed in any way whatever.

Which was accepted as a modification of the original amendment.

Mr. Chamberlain moved the following amendment:

That the board of Internal Improvement are hereby authorized and required to cause to be put under contract, during the next summer, such a portion of that part of the Erie and Michigan Canal, lying between Fort Wayne and the most northern westwardly extremity of the Elkhart summit level, as shall put said work on a footing of equality with the other works in the State now commenced or to be commenced or put under contract during the present year.

When Mr. Vandever moved that the bill and amendments be remitted to a select committee.

And the ayes and noes being requested thereon by Messrs. Gregory and Peaslee,

Those who voted in the affirmative were:

Messrs. Berry	Hubbard	Richey
Bryce	Jones	Ristine
Carleton	Judah	Robbins
Chamberlain	Kenton	Sims
Cox	Lane	Smydth of C
Crume	Lee	Stapp
Davis	Macy	Tannehill
Dowling	Marshall	Thompson of A.
Graham	Matlock	Thompson of F.
Hamel	McClure	Vance
Hanna	Morrison	Vandever
Hawkins	Murphey	Watson

Haymond
Helmer
Henricks
Herriman
Hocker

Noble
Osborn
Paboby
Proffit
Puckett

Williams of W.
Wines of G & W
Wines of V.
Wyman and
Mr. Speaker,—51

Those who voted in the negative were:

Messrs. Arnold
Bennett
Blair
Boon
Boyd
Brown
Burns
Carr
Cotton of P.
Cotton of S.
Eldridge
Ferguson
Ferris
Garrigus
Glenn,

Gregory
Haddon
Henley
Howell
Hurst
Huston
Jackson
Leviston,
Major
McCrillus
Miller
Milroy
Monroe
Nickel

Noel
Owen
Peaslee
Perine
Porter
Reeve,
Roe,
Smith of W.
Walpole
Whitman
Williams of L.
Williams of R.
Wilson and
Zenor—43.

So said motion to commit was decided in the affirmative.

Ordered, That Messrs. Vandever, Thompson of A., Chamberlain, Jones, Matlock, Lane, Lee and Macy be that committee.

And then the House adjourned until to-morrow morning, 9 o'clock.

TUESDAY MORNING, JAN. 30, 1838.

The House met pursuant to adjournment.

The Speaker laid before the House a statement from the Board of Internal Improvement on the subject of water power on the lines of public works.

On motion of Mr. Crume, the report heretofore made by the board on the same subject, was taken from the table.

And 500 copies of said reports ordered to be printed and stitched together.

Mr. Milroy was, at his own request, excused from serving on the select committee of investigation into the conduct of John G. Clendenin, a member of the Board of Internal Improvement.

Mr. Perine presented the petition of sundry citizens of Marshall county for a State road from Plymouth to Lafayette.

Also, the remonstrance of Isaac Higbee and others, and of Peter Ogen and others, against certain State roads therein named;

Which were severally referred to the committee on roads.

Mr. Perine also presented the remonstrance of Michael E. Horan and others, against the vacation of a State road therein named;

Which was laid upon the table.

Mr. Gregory presented the certificate of the Auditor of Public Accounts, in reference to money overpaid by the collector of Warren county;

Which was referred to the committee of Ways and Means.

Mr. Wines of V. presented the petition of Fielding Carter and others, for the review of a State road therein named;

Which was referred to a select committee of Messrs. Wines of V., Dowling, Noel and Smydth of C.

Mr. Ristine presented the petition of John Steele and others, for a change in the Montezuma and Lebanon State road;

Also the petition of W. R. Nossinger and others, for a change in the Stilesville State road;

Which were referred to the committee on Roads.

Mr. Wines of G. and W. presented the petition of William Willis and others, for a State road therein named;

Which was referred to the committee on Roads:

Mr. Hamel presented the petition of Henry M. Wilson and others, for the change of a State road therein named;

Which was referred to a select committee of Messrs. Hamel, McClure and Henricks.

Also the petition of John Herr and others, on the subject of the mode of doing county business.

Which was referred to the same select committee.

Mr. Williams of R. presented the remonstrance of John Wood and others, against a State road therein named;

Which was referred to the committee on Roads.

Mr. Nickel presented the petition of William W. Scott and others, for a change in the character of the Madison and Lafayette road;

Which was referred to the committee on Canals and Internal Improvements.

Mr. Morrison presented two several remonstrances of sundry citizens of Marion county, against any change in the character of the Madison and Lafayette road;

Which were referred to the committee on Canals and Internal Improvements.

Mr. Macy presented the petition of R. M. Cooper and others, for the incorporation of the town of Raysville, in Henry county;

Which was referred to a select committee of Messrs. Macy, Murphey and Williams of R.

Mr. Kenton presented the petition of J. D. Yeoman and others, for a State road from Williamsport to Stump's Bridge;

Also, the petition of William Donahue, for a State road from West Bedford to the State line;

Which were referred to the committee on Roads.

Mr. Judah from the committee on Revision, reported a bill No. 285, regulating the interest on money;

Which was read three times and passed.

Ordered, That the clerk inform the Senate and ask their concurrence therein.

Mr. McClure from the select committee to which was referred a bill of the Senate No. 99, to amend an act entitled an act to incorporate the Buffalo and Mississinewa rail road company, reported the same back without amendment;

When said bill was read the third time and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Berry from the select committee to which was referred the petition of sundry citizens of Monroe county on the subject of taxing lands therein named, reported a bill No. 286, to amend an act concerning the seminary townships of land in Gibson and Monroe counties, approved Feb. 8, 1834.

Which was read the first time and passed to a second reading on to-morrow.

Mr. Chamberlain from the select committee on that subject, reported

a bill No. 287, to locate a state road from the South Bend of Christian creek, in Elkhart county, in a north westwardly direction.

Which was twice read and referred to the committee on Roads.

Mr. Vance from the select committee to which petitions on that subject were referred, reported a bill, No. 391, to connect certain state roads therein named.

Which was twice read and referred to the committee on roads.

Mr. Cunningham introduced a bill No. 288, to legalize the acts of the trustees of the town of Putnamsville.

Mr. Perine introduced a bill No. 289, to incorporate the Warsaw Manufacturing Company.

Mr. Kenton introduced a bill No. 290, to appropriate the three per cent. fund of Stark county.

Which were severally read the first and second time, and ordered to a third reading on to-morrow.

Mr. Crume made the following report:

MR. SPEAKER:

The select committee to which was referred a bill of the House No. 189, dividing the State into judicial circuits and fixing the time of holding courts therein, have had that matter under consideration, and directed me to report the same back to the House with one amendment.

When said bill and amendment were laid upon the table.³

The following message was received from the Senate by Mr. Test, their Secretary:

MR. SPEAKER:

The Senate insist on their disagreement to the amendment of the House to the first amendment of the Senate to the engrossed bill of the House No, 243, entitled an act to provide for the payment of clerks employed by the revising and investigating committees during the present session of the General Assembly, and for other purposes, and they insist on their second amendment to said bill.

And Messrs. Mitchell and Vawter are the committee appointed on the part of the Senate to take into consideration the disagreement of the two Houses.

The following message was received from the Senate by Mr. Thompson of L., a member:

MR. SPEAKER:

I am instructed by the Senate to inform the House of Representatives that the Senate has adopted the following resolution:

Resolved, That the Senate will, the House of Representatives concurring therein, adjourn sine die on Monday, the 19th day of February next.

Mr. Howell moved that the House reciprocate the resolution of the Senate.

Mr. Crume moved that it be laid upon the table.

And the ayes and noes being requested thereon by Messrs. Howell and Bennett.

Those who voted in the affirmative, were

Messrs. Boyd	Hubbard	Porter
Bryce	Huff	Proffit
Brown	Hurst	Richey
Burns	Huston	Restine
Chamberlain	Judah,	Robbins
Champer	Lane	Smith of W.
Cox	Macy	Smydth of C
Crume	Major	Tannehill
Cunningham	Matlock	Thompson of F.
Dowling	Milroy	Walpole
Eldridge	Monroe,	Watson
Glenn	Morrison	Whitman
Gregory	Nickel	Williams of L.
Hamel	Noble	Williams of R.
Hawkins	Noel	Williams of W.
Henley	Osborn	Wines of G. & W.
Hocker	Peaslee	and Wyman—53.
Hood	Perine	

Those who voted in the negative, were

Messrs. Arnold	Haymond	Owen
Bennett	Henricks	Pabody
Berry	Herriman	Pucket
Blair	Howell	Reeve
Boon	Jackson	Roe
Carleton	Jones	Sims
Carr	Kenton	Stapp
Cotton of P.	Lee	Thompson of A
Cotton of S.	Leviston	Vance
Davis	Marshall	Vandever
Ferguson	McClure	Wilson
Ferris	M'Crillus	Wines of V.
Garrigus	Miller	Zenor and
Graham	Murphey	Mr. Speaker—43.
Haddon		

So said resolution was laid upon the table.

The following message was received from the Senate by Mr. Test, their Secretary:

MR. SPEAKER:

I am instructed by the Senate to inform the House of Representatives that the Senate has concurred in the amendment of the House to the bill of the Senate, entitled, No. 9, an act to incorporate the West Delphi Bridge Company.

The Senate has passed an engrossed joint resolution and bills thereof entitled:

No. 30, a joint resolution on the subject of the State Bank.

No. 40, an act to incorporate a certain company therein named.

No. 113, an act to incorporate the Westfield Steam Mill Company.

And,

No. 146, an act prescribing the mode of authenticating copies from the records of the State Board of Internal Improvement.

In all of which the concurrence of the House of Representatives is respectfully requested.

The Senate has also passed engrossed bills of the House entitled:

No. 24, an act to incorporate the Morgan County Seminary.

No. 105, an act to incorporate the Rockport Steam Mill Manufacturing Company.

No. 204. An act to amend an act entitled an act to provide for draining Lost creek in Vigo county, approved January 21, 1837.

No. 39. An act to incorporate the town of Princeton.

The three first without amendment, and the last with amendments in which also the concurrence of the House is respectfully requested.

Bill No. 30, named in the message,

Was read the first time and passed to a second reading on to-morrow.

Bills No. 40 and 113, named in the message,

Were read the first and second time and referred to the committee on Corporations.

No. 146, named in the message,

Was read the first time and passed to a second reading on to-morrow.

The following message was received from the Senate by Mr. Dunning, a member:

MR. SPEAKER:

I am instructed by the Senate to inform the House of Representatives, that the Senate has passed engrossed bills and joint resolutions of the House entitled, to wit.

No. 74. An act declaring a certain name a misprint.

No. 122. An act relative to the county Library of Sullivan county.

No. 151. An act changing the name of Edinburgh in Franklin county.

No. 155, an act to change the name of the town of Carthage in Harrison county.

No. 159, an act to authorize the election of an additional justice of the peace in Hendricks county.

No. 169, a joint resolution in relation to refuse lands on the Wabash river.

No. 177, an act to legalize the proceedings of the Board of Justices in the county of Decatur.

No. 84, an act declaring Turman's creek a public highway.

No. 231, an act authorizing the election of an additional justice of the peace in Clinton township, Vermillion county.

And,

No. 252, an act for the relief of James Sutfin.

Each without amendment.

Also, the Senate has passed an engrossed bill of the House No. 119, entitled an act to locate a state road from Franklin in Wayne county to Windsor in Randolph county, thence to the town of Huntingdon on the Wabash and Erie Canal, with an amendment.

In which the concurrence of the House is respectfully requested.

The Senate has concurred in the amendments of the House to the engrossed memorial and joint resolution of the Senate entitled No. 74, a memorial and joint resolution relative to the public lands in the State of Indiana.

And the engrossed bill of the Senate No. 104, entitled an act to locate a State road from Salem in Washington county, to Charlestown in Clark county.

The Senate has also passed engrossed bills thereof No. 156, an act

for the relief of the owners of certain forfeited lands and town lots in Tippecanoe county.

No. 157, an act to locate a certain state road therein named.

In which also the concurrence of the House is requested.

The amendments made by the Senate to bill No. 119, named in the message, were concurred in.

Ordered, That the Senate be informed thereof.

No. 156, named in the message, was read three times and passed.

Ordered, That the clerk inform the Senate thereof.

No. 157, named in the message, was twice read and referred to the committee on roads.

The following message was received from the Senate by Mr. Test, their Secretary:

MR SPEAKER:

I am instructed by the Senate to inform the House of Representatives that the Senate has concurred in the resolution of the House, instructing the joint committee on revision to report a bill limiting the number of Fund Commissioners to two, to be elected by joint ballot of the two Houses of the General Assembly, with the following amendments:

1st. Strike out the words "joint ballot," and insert "viva voce by joint vote of the two Houses of the General Assembly."

2d. At the end of the resolution, insert "to serve for the term of three years from and after such appointment, and until a successor or successors be elected and qualified."

3d. At the end of a 2d amendment insert "and to provide that said Fund Commissioners shall annually settle with the Treasurer of State."

To which amendments the concurrence of the House is respectfully requested.

The first amendment by the Senate to the resolution of the House named in the message, was disagreed to.

The 2d and 3d amendments made by the Senate were concurred in by the House.

Ordered, That the clerk inform the Senate thereof.

The following message was received from the Senate by Mr. Test, their Secretary:

MR. SPEAKER:

I am instructed by the Senate to inform the House of Representatives that the Senate disagrees to the amendment of the House to the bill of the Senate No. 56, entitled an act to enable the school commissioner of Ripley county to do certain acts.

On motion,

The House receded from their amendment to said bill of the Senate.

Ordered, That the clerk inform the Senate.

And then the House adjourned.

2 o'clock, P. M.

The House met,

And resolved itself into a committee of the whole House on the bill No. 135, regulating desents, distribution and dower.

Mr. Crume in the Chair.

And after some time spent therein the Speaker resumed the chair,

And Mr. Crume reported, that the committee had according to order had said bill under consideration and made sundry amendments thereto, in which the concurrence of the House was requested;

On motion,

The House concurred in the amendment generally,

When said bill was considered as engrossed, read the third time and passed.

Ordered, That the clerk inform the Senate and ask their concurrence therein.

Mr. Graham from the joint committee on enrolled bills made the following report:

MR. SEAKER:

The joint committee on enrolled bills report that they did this day compare the enrolled with the engrossed bills of the Senate,

No. 74. A memorial and joint resolution relative to the public lands in the State of Indiana.

No. 104. An act to locate a state road from Salem in Washington county to Charleston in Clarke county.

No. 103. An act for the relief of Isaac Kimberlin.

No. 116. An act to appropriate a part of the three per cent. fund in the county of Morgan.

No. 36. An act to incorporate the Greenville Seminary in Floyd county.

No. 49. An act to legalize the sale of the school section of congressional township No. three, north of range No. eight, east, in Scott county.

Also of the House,

No. 74. An act declaring a certain name a misprint,

No. 204. An act to amend an act entitled an act to provide for draining Lost Creek in Vigo county, approved January 21st, 1837.

And find the same truly enrolled.

Whereupon the Speaker signed the same.

Ordered, That the clerk carry them to the Senate for the signature of their President.

The following message was received from the Governor by Mr. Maguire his private Secretary:

MR. SPEAKER:

The Governor has approved and signed acts entitled as follows, viz:
No. 26. An act for the relief of John B. McDowell;

No. 73. An act to amend an act entitled an act to establish and relocate certain state roads therein named, approved February 3d, 1837;

No. 154, An act legalizing the proceedings of the Board of Commissioners of Vanderburgh county;

Also, a memorial and joint resolution entitled, No. 162, a memorial and joint resolution on the subject of the National Road.

And the House adjourned until to-morrow half after 8 o'clock.

WEDNESDAY MORNING, JAN. 31, 1833.

The House met pursuant to adjournment.

Mr. Monroe presented the petition of David Colglasure and others, for a change in the school laws,

Which was referred to the committee on revision.

Mr. Herriman presented the petition of William Cochran and others, for a state road therein named.

Mr. Davis presented the petition of sundry citizens of Pike county,

Also the petition of sundry citizens of the county of Daviess, for a state road from Petersburg to Mount Pleasant.

Mr. Henrick presented the petition of Horace Combs and others, for a state road from the Terre-Coupe marsh to the Carlisle state road.

Which were severally referred to the committee on roads.

Mr. Henrick presented the remonstrance of sundry citizens of Mishawaka, against being united with the village of St. Joseph, in an act of incorporation.

Which was referred to a select committee of Messrs. Henricks, McClure and Hamel.

Mr. Graham from the committee of Ways and Means made the following report:

MR. SPEAKER:

The committee of Ways and Means have had so much of the Governor's Message under consideration as relates to J. H. Colton's Map of Indiana, about being published, and have directed me to report a joint resolution No. 292, relative to the purchase of Maps,

Which was read the first time,

And passed to a second reading on to-morrow.

Mr. Glenn from the committee of Ways and Means made the following report:

i

MR. SPEAKER:

The committee of Ways and Means have instructed me to report

A joint resolution No. 294, concerning the distribution of a portion of the revised laws of the present session.

Which was read the first and second time, amended, and ordered to a third reading on to-morrow.

Mr. Bennett made the following report:

MR. SPEAKER:

The committee on Claims to which were referred bills No. 28, for the relief of Dalzell, Clark & Whitcomb & Co. of Senate, No. 92, for the relief of Thomas P. Miller, a joint resolution No. 112, of Senate, for the benefit of the collector of Clark county for 1837, and a bill of House No. 75, for the relief of John R. Porter, have, according to order, had under their consideration all of said several bills, and have directed me to report bills No. 28, 92 and 112 back to the House without amendment, and they recommend the indefinite postponement of bill No. 75, for the relief of John R. Porter.

No. 92 and No. 28 named in the report;

Were read the third time and passed.

Ordered, That the clerk inform the Senate, and ask their concurrence in said bill 281.

No. 112 named in the report

Was ordered to a third reading on to-morrow.

On the question of concurrence in the report of the committee, and the indefinite postponement of the bill No. 75, for the relief of John R. Porter;

The ayes and noes being requested thereon by Messrs. Hanna and Miller,

Those who voted in the affirmative, were

Messrs. Arnold,	Henley	Osborn,
Bennett,	Henricks,	Pabody,
Berry,	Hocker,	Peaslee,
Boon	Hubbard,	Reeve,
Boyd,	Huston	Richey,
Carr,	Jackson,	Roe
Crume	Kenton,	Sims,
Cunningham,	Lee,	Smith of W.,
Davis,	Leviston,	Tannehill,
Ferguson	Macy	Thompson of F.,
Ferris,	Major	Vandever,
Glenn,	M'Clure	Walpole,
Graham,	McCrillus,	Williams of L.,
Haddon,	Miller,	Williams of R.
Hanna,	Monroe	Williams of W., &
Helmer,	Nickel	Zenor—48.

Those who voted in the negative, were

Messrs. Bryce,	Hawkins,	Porter,
Burns	Haymond,	Proffit
Carleton,	Herriman,	Puckett,
Chamberlain,	Howell,	Ristine,
Champer	Huff	Smydth of C.,
Cotton of P.,	Hurst,	Stapp,
Cotton of S.,	Judah,	Thompson of A.,
Cox	Lane,	Watson,
Dowling,	Marshall,	Wilson,
Eldridge	Milroy,	Wines of V.,
Garrigus	Murphey,	Wyman and
Gregory,	Noel,	Mr. Speaker—38.
Hamel,	Owen,	

So said bill was indefinitely postponed.

Mr. Crume from the joint committee of Free Conference, appointed to take into consideration the disagreement between the two Houses, on the subject of mileage and pay of witnesses summoned to appear before the investigating committee of the House on the subject of the State Bank, reported, that the committee have agreed to allow the witnesses two dollars per day during the time they were detained in town, and five cents per mile each way, for their travel to and from the Seat of Government.

On motion,

The House concurred in the report of the committee.

Mr. Hamel from the committee on Canals and Internal Improvement to whom was referred a bill of the House No. 149, to authorise a survey for the extension of the Erie and Michigan Canal, reported the same back with an amendment.

Which was concurred in, and the bill ordered to a third reading on to-morrow.

Mr. Vandever from the committee on Canals and Internal Improvements, to which was referred a bill of the House No. 244, to make the town of Orleans in the county of Orange a point on the Jeffersonville and Crawfordsville road reported the same back with an amendment.

When,

On motion of Mr. Berry,

Said bill and amendment were laid on the table.

Mr. Wilson made the following report:

MR. SPEAKER:

The committee on Corporations, to which was referred a bill No. 280 of the House of Representatives, to incorporate the Elizabeth steam mill, boat, ship yard and manufacturing company, have directed me to report the same without amendment.

They have also directed me to report a bill No. 295, to incorporate the Calumet Bridge Company.

Mr. Chamberlain moved to amend bill No. 280, by giving the Legislature the right to amend the charter of said company after the expiration of ten years.

Mr. Peaslee moved to amend the motion by adding, "by vote of two-thirds of each House;"

When Mr. Cox moved the previous question,

Which was seconded by a majority of the House.

And on the question shall the main question be now put,

It was decided in the affirmative.

Whereupon the main question was put, shall the bill be considered as engrossed.

It was decided in the affirmative.

When said bill was considered as engrossed, read the third time, and passed.

Ordered, That the clerk inform the Senate and ask their concurrence therein.

Bill No. 295 named in the report,

Was read the first and second time, and referred to a select committee of Messrs. Hamel, McClure and Henricks.

Mr. Gregory made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of Thomas O'Neal and others, praying that a part of Jasper county be attached to the county of Warren; and the petition of Jacob Hanes and others, of the counties of Fountain, Tippecanoe and Warren, asking the organization of a new county out of the above named counties, have had the same under consideration, and after the examination of the boundaries of the proposed new county, will not only greatly derange those counties, but reduce them below 400 square miles, which, to your committee is clearly unconstitutional, and beside all this, we all know the derangement

and danger by the organizing a new county in the midst of counties of long standing; it will have the effect in nine cases out of ten in a great degree materially to effect the seat of justice of those counties thus reduced, which would be most clearly demonstrated in the attempt to organize the contemplated county as its boundary line runs within two miles of Williamsport, the seat of justice of Warren county, thus forcing the people of this county into a difficulty and great expense, with the loss of the public buildings which have been erected, and a re-location must tend to great public as well as private losses, and in all human probability will not be confined alone to this county, but may extend to the others at some future day, not far distant the evil, and an evil it must be, if indulged in by the General Assembly, cutting down old counties to build up new ones may run through all the organized counties of this State, thus deranging and destroying the public buildings, public confidence, and sacrificing private interest. Such a course of policy should not for one moment be countenanced or entertained; it is but due to the counties that are now organized, for the General Assembly to give their unqualified disapprobation to a course of policy so dangerous in its consequences, and would ultimately prove the destruction of counties and county seats which have for years been progressing quietly and prosperous; and your committee therefore think the prayer of the petitioners unreasonable, and ought not to be granted, and ask to be discharged from the further consideration thereof.

On motion,

The House concurred in said report, and the committee were discharged from the further consideration of the subject.

On motion of Mr. Proffit,

Resolved, That the committee of Ways and Means be instructed to enquire into the expediency of providing by law, suitable compensation to the Judges of the Supreme Court, for services performed in revising the statute laws of the State, according to the instructions of the Legislature at the session of 1836-7.

Mr. Thompson of A. from the select committee to which was referred a bill of the House No. 182, to organize the county of Whitley, reported the same back without amendment;

When said bill was read the third time and passed.

Ordered, That the clerk inform the Senate and ask their concurrence therein.

Mr. Thompson of A. from the select committee to which was referred a bill of the Senate No. 43, to alter and define the boundaries of the county of Grant, reported the same back with sundry amendments,

When Mr. Wines of G. and W. moved that the bill and amendments be laid upon the table.

Which was decided in the negative.

Said amendments were then concurred in, and the bill read the third time and passed.

Ordered, That the clerk inform the Senate, and ask their concurrence in the amendments made by the House.

Mr. Thompson of A. from the select committee to which was referred a petition on that subject, reported a bill No. 296, for the relief of James Hatfield:

Which was read the first time, and passed to a second reading on tomorrow.

Mr. Cotton of P. from the select committee to which was referred the petition of F. Conner and others, reported a bill No. 292, appointing bridge and road commissioners in the counties of Spencer and Perry, and defining their powers and duties.

Which was read three times and passed.

Ordered, That the Clerk inform the Senate and ask their concurrence therein.

And then the House adjourned.

2 o'clock, P. M.

The House met.

On motion of Mr. Crume,

The bill No. 189, dividing the state into judicial circuits and fixing the times of holding courts therein, and the amendments reported by the select committee were taken from the table;

When the House resolved itself into a committee of the whole thereon:

Mr. Hocker in the chair,

And after sometime spent therein the committee rose,

And reported the same back with sundry amendments to the amendment of the select committee,

Which were concurred in generally.

Mr. Morrison moved,

To amend the amendment so as to provide, "that the counties of Madison and Hancock be stricken from the 6th circuit and added to the

fifth circuit, and that the times of holding courts in the fifth circuit be arranged so as to provide properly for the said counties of Madison and Hancock.

On motion of Mr. Walpole,

The proposition was amended by striking out the county of Hancock.

And on the question, shall the amendment be adopted,

Was decided in the negative;

When the amendment of the committee was concurred in.

And the bill read the third time and passed.

Ordered, That the clerk inform the Senate, and ask their concurrence therein.

Mr. Graham from the joint committee on enrolled bills made the following report:

Mr. SPEAKER:

The joint committee on enrolled bills report that they did this day present to His Excellency the Governor for his approval and signature the following bills, which originated in the Senate:

No. 103. An act for the relief of Isaac Kimberlin.

No. 104. An act to locate a State road from Salem in Washington county to Charleston in Clarke county.

No. 116. An act to appropriate a part of the three per cent. fund in the county of Morgan.

No. 36. An act to incorporate the Greenville Seminary in Floyd county.

No. 49. An act to legalize the sale of the school section of congressional township No. three, north of range No. eight, east, in Scott county.

No. 74. A memorial and joint resolution relative to the public lands in the State of Indiana,

Also bills of the House,

No. 74. An act declaring a certain name a misprint.

No. 204. An act to amend an act entitled an act to provide for draining Lost Creek in Vigo county, approved January 21st, 1837.

The House then resolved itself into a committee of the whole on the bill No. 164, for the prevention of frauds and perjuries;

Mr. Hawkins in the chair;

And after some time spent therein the committee rose;

And the Chairman reported that the committee according to order had said bill under consideration, made some progress therein, but not having time to go through the same, directed him to ask leave to set again,

Which leave was granted.

And then the House adjourned until to-morrow morning 9 o'clock.

THURSDAY MORNING, FEBRUARY 1, 1838.

The House met pursuant to adjournment.

Mr. Vandever presented the petition of John Henderson and others asking that the acts of William Lindley be legalized in reference to the sale of school section 16, town. 3 north, range 2 west.

Which was referred to a select committee of Messrs. Vandever, Helmer and Williams of L.

Mr. Perine presented the remonstrance of John R. Blain and others against the location of a certain state road in Kosciusko county.

Mr. Wyman presented the petition of J. R. Tharp and others for a state road from Pendleton to Andersonstown and Logansport state road at Pipe creek.

Which were referred to the committee on roads.

Mr. Champer presented the remonstrance of sundry citizens of Owen county against the change of a State road from the mouth of Eel river to Bowlinggreen in Clay county.

Which was read and withdrawn for the purpose of presenting it to the Senate.

The House then resumed the consideration of the amendments report-

ed by the committee on Canals and Internal Improvements on the 27th January, to a bill of the House No. 221, authorizing the location of the White Water Canal, north of the National Road.

Mr. Macy moved that the bill and amendments be laid upon the table.

And the ayes and noes being requested thereon by Messrs. Puckett and Macy,

Those who voted in the affirmative were:

Messrs. Arnold	Glenn	Murphey
Bennett	Haddon	Nickel
Boon	Henley	Noel
Brown	Hocker	Peaslee
Burns,	Hurst	Porter
Carleton	Jackson	Reeve
Carr	Kenton	Roe
Cotton of P.,	Leviston	Shook
Cotton of S.	Macy	Williams of L.
Cox	Major	Williams of R.
Cunningham	McCrillus	Wilson
Ferguson,	Miller	Wyman and
Ferris	Milroy	Zenor—41
Garrigus,	Monroe	

Those who voted in the negative, were

Messrs. Berry	Herriman	Ristine
Boyd	Hood	Sims
Bryce	Howell	Smith of W.
Chamberlain	Hubbard	Stapp
Crume,	Huff	Tannehill
Davis	Huston	Thompson of A.
Dowling,	Lane	Thompson of F.
Eldridge	Lee	Vance
Graham	Matlock	Vandever
Gregory	M'Clure	Watson
Hamel	Noble	Whitman
Hanna	Osborn	Williams of W.
Hawkins	Pabody	Wines of G. & W.
Haymond	Perine	Wines of V. and
Helmer	Puckett	Mr. Speaker.—46.
Henricks	Richey	

So said motion was decided in the negative.

The question then recurring on the amendments made by the committee to strike out "next spring as is practicable," and insert "a period as the interest of the State requires."

And the ayes and noes being requested thereon by Messrs. Hubbard and Hawkins,

Those who voted in the affirmative, were

Messrs. Bennett	Henley,	Murphey
Boon	Herriman	Nickel
Boyd	Hocker	Noel
Bryce	Howell	Peaslee
Brown	Hurst	Porter
Burns	Huston	Reeve
Carleton	Kenton	Robbins
Carr	Leviston	Roe
Cotton of P.	Macy	Stapp
Cotton of S.	Major	Vandever
Cox	Marshall	Williams of L.
Cunningham	Matlock	Williams of R.
Davis	McClure	Wilson
Ferguson	Milroy	Wines of G. & W.
Garrigus	Monroe	and Wyman—46
Haddon		

Those who voted in the negative were,

Messrs. Arnold	Hood	Richey
Champer	Hubbard	Ristine
Crume	Huff,	Sims
Dowling	Jackson	Smith of W.,
Eldridge	Lane	Tannehill
Ferris	Lee	Thompson of F.
Graham	McCrillus,	Vance
Gregory	Miller	Walpole
Hamel	Noble	Watson
Hanna	Osborn	Whitman,
Hawkins,	Pabody	Williams of W.
Haymond	Perine	Wines of V. and
Helmer	Proffitt,	Mr. Speaker—41.
Henricks	Puckett	

So said amendment was decided in the affirmative.

Mr. Smith of W. moved to amend the bill by striking out from the enacting clause and inserting that "the Board of Internal Improvement shall determine early the ensuing spring, the northern termination of the White Water Canal, and cause a permanent location as near as practicable according to the act of 1836 on that subject."

Mr. Macy moved to amend the amendment by striking out so much thereof as directs the survey to be made the ensuing spring.

When Mr. Chamberlain moved the previous question,

Which was seconded by a majority of the House,

When on motion of Mr. Proffit,

Said bill and amendment were laid upon the table.

Mr. Vandever moved to take from the table a bill No. —, making Orleans a point on the Jeffersonville and Crawfordsville road,

Which was decided in the negative.

Mr. Chamberlain from the committee on Corporations to which was referred a petition on that subject, reported a bill No. 297, to incorporate the Marion Guards.

Which was read three times and passed.

Ordered, That the clerk inform the Senate, and ask their concurrence therein.

Mr. Chamberlain from the committee on Corporations to which was referred a bill No. 280, to incorporate the Warsaw Manufacturing Company.

Reported the same back without amendment.

When Mr. Hawkins moved to amend the bill by striking out so much as provides for a revision of the charter every ten years.

On which amendment the question was put,

And by the Speaker decided in the affirmative,

A quorum not voting.

When Mr. Proffit called for a new count, on the ground that a quorum did not vote.

The Speaker refused to grant a new count on the ground that it was his opinion a quorum were in their seats.

Whereupon Mr. Proffit took an appeal from the decision of the Chair, on the ground that it was necessary for a quorum to vote, and that any member had a right to call a full vote.

On said appeal the following gentlemen were excused from voting for the reasons stated:

Messrs. Brown, Milroy, Morrison, Owen, Perine, Shook, Thompson of F., Zenor and Helmer.

Because they were not acquainted with the facts.

Messrs. Eldridge, Ferris, Matlock were excused, because they were not present when the vote alluded to was taken.

Mr. Jones was excused from voting.

On the question is the decision of the Chair correct,

Those who voted in the affirmative were

Messrs. Arnold,	Hawkins,	Osborn,
Bennett,	Henricks,	Pabody,
Berry,	Hocker,	Reeve,
Boon,	Hood,	Ristine,
Carleton	Hubbard,	Robbins
Carr,	Huff	Sims
Champer	Huston	Stapp,
Cotton of P.	Kenton,	Thompson of A.
Cotton of S.,	Lane	Vance,
Cox	Lee,	Walpole,
Crume,	Leviston,	Watson,
Cunningham	Marshall,	Williams of L.
Ferguson	M'Clure,	Williams of R. and
Gregory,	Murphey,	Williams of W.—44
Hamel,	Noel,	

Those who voted in the negative, were

Messrs. Chamberlain,	Herriman,	Roe,
Dowling	Jackson,	Smith of W.
Garrigus,	Major,	Tannehill,
Graham,	Peaslee,	Wyman
Haymond	Porter,	Wilson and
Henley,	Proffit	Wines of V.—18.

And the House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met,

And resumed the consideration of the question of order undecided at the adjournment, Mr. Stapp occupying the chair.

On the question is the decision of the Chair correct,

Those who voted in the affirmative, were

Messrs. Arnold	Helmer	Owen
Bennett	Henricks	Pabody,
Berry	Hocker	Perine
Boon	Hood	Puckett
Boyd	Howell	Reeve
Bryce	Hubbard	Richey
Erown	Huston	Ristine

Carleton	Judah	Robbins
Carr	Kenton	Sims
Champer	Lane	Stapp
Cotton of F.	Lee	Thompson of A.
Cotton of S.	Leviston	Thompson of F.
Cox,	Macy	Vance
Crumo	Marshall	Vandeveer
Davis	McClure	Walpole
Ferguson	McCrillus	Watson
Ferris	Morrison	Williams of L.
Gregory	Murphey	Williams of R.
Hamel	Noble	Williams of W.
Hanna	Noel	Wines of G. & W.
Hawkins	Osborn	and Zenor 64.

Those who voted in the negative, were

Messrs. Dowling	Herriman	Proffit
Garrigus	Hurst	Roe
Graham	Jackson	Smith of W.
Haddon	Major	Tannehill and
Haymond	Monroe	Wilson—17.
Henley	Porter	

So the decision of the Chair was sustained.

On motion of Mr. Crume,

The vote on adopting the amendment to the bill was reconsidered,

When Mr. Perine moved to amend the amendment by inserting "two-thirds of each House concurring."

Which was decided in the negative.

The question then recurring on the original amendment

And the ayes and noes being requested thereon by Messrs. Crume and Hubbard,

Those who voted in the affirmative were:

Messrs. Bennett	Hubbard	Pucket
Burns	Hurst	Ristine
Carleton	Jones	Robbins,
Champer	Kenton	Sims
Cox	Lane	Smith of W.
Crume	Leviston	Smydth of C.
Eldridge	Macy,	Stapp
Ferguson	Marshall	Thompson of A.
Graham	Matlock	Vance
Gregory	M'Clure	Walpole
Hamel	McCrillus	Watson
Hanna	Morrison	Williams of R.
Hawkins	Murphey	Williams of W.

Haymond
Henley
Henricks,
Hocker
Hood

Noble
Noel
Osborn
Pabody
Porter

Wilson
Wines of G. & W.
and Zenor—51.

Those who voted in the negative, were

Messrs. Arnold

Berry
Boon
Boyd
Eryce
Brown
Carr
Cotton of P.
Cotton of S.
Cunningham
Davis
Ferris
Garrigus

Glenn
Haddon
Helmer
Herriman
Howell
Huston
Jackson
Judah
Lee
Major,
Miller
Monroe
Nickel

Peaslee
Proffit
Reeve
Richey
Roe
Shook,
Tannehill
Thompson of F.
Vandever
Whitman
Williams of L, and
Wines of V.—39.

So said amendment was decided in the affirmative.

Mr. Burns gave notice that he would on to-morrow move to amend the rules of the House, so "that questions to lie on the table shall not be debatable."

The following message was received from the Senate by Mr. Dunning, a member:

MR. SPEAKER:

I am instructed by the Senate to inform the House of Representatives, that the Senate has passed engrossed bills thereof

No. 106. An act to amend the charter of the borough of Vincennes.

No. 145. An act to amend an act entitled an act organizing circuit courts, and defining their powers and duties, approved Jan. 23, 1831.

No. 172. An act establishing fire companies.

No. 176. An act to repeal an act entitled an act to provide for a geological survey of the State of Indiana, approved February 4, 1837.

No. 177. An act legalizing certain proceedings in relation to the sale of certain school lands in Cass county.

No. 83. An act to provide for the partition of real estate.

No. 178. An act to provide for the security of the State House.

No. 180. An act to authorize Asher Wilcox to erect a dam across the East Fork of White River, in Lawrence county.

No. 181. An act to provide for the establishment of a horse boat ferry therein named, across the Wabash river at the town of Attica.

No. 182. An act to locate a State road from Tiptonsport, in Carroll county, to Monticello in White county;

In each of which they ask the concurrence of the House of Representatives.

The Senate has also passed engrossed bills of the House of Representatives,

No. 10. An act for the sale of certain lands belonging to the Vincennes reserved tract.

No. 156. An act to legalize the sale of the 16th section in township No. 9, range No. 2 west.

No. 192. An act for the relief of Deurbin Gaw.

And No. 172. An act to incorporate the Wabash Hotel Company.

The last, with No. 172, with amendments, in which the concurrence of the House is also requested, each of the others without amendment.

Bill No. 106, named in the message,

Was read three times and passed.

Ordered, That the clerk inform the Senate.

No. 172, 177 and 181, named in the message,

Were severally read the first and second time, and ordered to a third reading on to-morrow.

No. 83 named in the message,

Was twice read and committed to a committee of the whole House on to-morrow.

No. 145 and 178 named in the message,

Were read the first time, and passed to a second reading on to-morrow.

No. 180 named in the message,

Was twice read and referred to the committee on the Judiciary.

No. 182, was read the first and second time and referred to the committee on roads.

The first amendment of the Senate to the bill of the House No. 172 named in the message,

Was concurred in with an amendment, inserting 100,000 instead of 75,000.

The second amendment of the Senate was disagreed to.

Ordered, That the clerk inform the Senate thereof.

No. 176 named in the message,

Was read the first and second time,

And on the question shall said bill pass to a third reading.

And the ayes and noes being requested thereon by Messrs. Crume and Graham,

Those who voted in the affirmative were:

Messrs. Arnold	Hocker	Reeve,
Bennett	Hubbard	Richey
Berry	Hurst	Ristine
Boon	Jackson	Robbins
Boyd	Jones	Roe,
Burns	Lee	Smith of W.
Carr	Leviston,	Tannehill
Cotton of P.	Macy	Thompson of F.
Cotton of S.	Marshall	Vandever
Crume	Matlock	Walpole
Cunningham	McClure	Watson
Davis	Miller	Williams of R. &
Garrigus	Milroy	Wines of G. & W
Haddon	Porter	—42.
Hanna		

Those who voted in the negative were:

Messrs. Bryce	Herriman	Paboby
Brown	Hood	Peaslee
Carleton	Howell	Perine
Chamberlain	Huff	Proffit
Champer	Huston	Puckett
Cox	Judah	Shook
Dowling	Kenton	Sims
Eldridge	Lane	Smydth of C
Ferris	Major	Stapp
Glenn,	Monroe	Thompson of A.
Graham	Morrison	Vance
Hamel	Murphey	Whitman
Hawkins	Nickel	Williams of L.
Haymond	Noble	Williams of W.
Helmer	Noel	Wilson
Henley	Osborn	Wines of V. and
Henricks	Owen	Zenor—49.

So said bill was lost.

The following message was received from the Senate by Mr. Tost, their Secretary:

Mr. SPEAKER:

I am directed by the Senate to inform the House of Representatives that they have passed an engrossed bills of the House entitled,

No. 67, An act concerning State roads therein named.

No. 77. An act to prevent obstructions in Anderson River in Perry and Spencer counties.

No. 86. An act providing the number and mode of electing trustees in the Posey County Seminary.

No. 95. An act for the relief of John B. Walker.

No. 97. An act to change the name of Calvin C. Marsh.

No. 100, An act to legalize the acts of Thomas Bowman.

No. 111. An act to provide for the election of a justice of the peace in the town of Hartsville, Bartholomew county.

No. 120. An act to change the Morgansford and Brandywintown State road.

No. 123. An act providing for the sale of certain school lands in the county of Sullivan.

No. 150. An act to amend an act entitled an act to appropriate at par of the three per cent. fund in the county of Orange.

No. 153. An act for the relief of Campbell Dale.

No. 154. An act authorizing Lewis Jones and others, to sell lot No. 67, in the town of Washington in Daviess county, and for other purposes.

No. 157. An act relating to the town of Vernon.

No. 181. An act to provide for a justice of the peace in Maysville Daviess county.

No. 206. An act amendatory of the act entitled an act for the formation of the Pleasant Run School District in Carroll county.

The first with an amendment in which the concurrence of the House is respectfully requested, each of the others without amendment.

The Senate has also passed engrossed bills thereof entitled

No. 162. An act to establish a State road from Charleston in Clark county to Berthelehem.

No. 163. An act to locate a State road from Clarkstown in the county of Boon, to Ephraim Stouts in the county of Hamilton.

To which bills of the Senate the concurrence of the House is also respectfully requested.

The amendments made by the Senate to bill of House No. 67, named in the message were concurred in.

Ordered, That the Senate be informed thereof.

No 162, named in the message,

Was twice read and referred to the committee on roads.

No. 163,

Was read the first and second time and referred to a select committee of Messrs. Robbins and Hocker.

The following message was received from the Senate by Mr. Martin their assistant Secretary:

Mr. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate has concurred in the report of the joint committee of free conference of the two Houses to take into consideration the disagreement of the two Houses in relation to the bill of the House,

No. 243, entitled an act to provide for the payment of clerks employed by the revising and investigating committees during the present session of the General Assembly, and for other purposes.

Also, the Senate has passed a bill thereof,

No. 96, Directing the mode of appointing county surveyors and their deputies,

In which the concurrence of the House of Representatives is respectfully requested.

No. 96, named in the message,

Was twice read and referred to a select committee of Messrs. Smith of W., Hanna and Marshall.

The following message was received from the Governor by Mr. Maguire his private Secretary:

Mr. SPEAKER:

Acts and a memorial and joint resolution of the following titles have received the approbation and signature of the Governor, viz:

No. 74. An act declaring a certain name a misprint;

No. 103. An act for the relief of Isaac Kimberlin;

No. 104. An act to locate a State road from Salem in Washington county to Charlestown in Clark county;

No. 116. An act to appropriate a part of the three per cent. fund in the county of Morgan;

No. 36. An act to incorporate the Greenville Seminary in Floyd county;

No. 49. An act to legalize the sale of the school section of Congressional townships No. 3, north of range No 8, east, in Scott county;

No. 204. An act to amend an act entitled, an act to provide for draining Lost Creek in Vigo county, approved Jan. 21, 1837;

No. 74. A memorial and joint resolution relative to the public lands in the State of Indiana;

And then the House adjourned until to-morrow morning 9 o'clock.

FRIDAY MORNING, Feb. 2, 1838.

The House met pursuant to adjournment.

The following message was received from the Senate by Mr. Test their Secretary:

MR. SPEAKER:

I am instructed by the Senate to inform the House of Representatives that the Senate has passed engrossed bills thereof entitled

No. 97. An act authorizing the arresting and securing fugitives from justice.

No. 85. An act to authorize the vacation of towns.

No. 109. An act authorizing and regulating arbitrations.

No. 127. An act relative to fugitives from labor.

No. 144. An act to establish a University in the State of Indiana.

In which the concurrence of the House is respectfully requested.

The Senate has also passed engrossed bills of the House entitled

No. 168. An act for the relief of the minor heirs of Michael C. Snyder.

No. 201. An act to relocate a part of a state road in Monroe county.

No. 202. An act to vacate the town of Nuberry in Greene county.

No. 207, an act to located a state road road therein named.

No. 208, an act to amend an act entitled "an act to incorporate the President and Trustees of the Rush County Seminary.

No. 222, an act to provide for draining the low lands around Centre Lake in Steuben county.

No. 232, an act to amend an act entitled an act authorizing Richard M. Kirk to raise his mill dam three feet higher, approved Feb. 3, 1837.

No. 248, an act to change the name of a certain town therein named.

Each without amendment.

No. 97, named in the message was read the first and second time and referred to the committee on the Judiciary.

Nos. 127, 109 and 85, named in the message, were read the first time and passed to a second reading on to-morrow.

No. 144, named in the message, was read a first and second time and referred to the committee on Education.

The following message was received from the Senate by Mr. Test, their Secretary:

MR. SPEAKER:

The Senate has passed engrossed bills of the House entitled:

No. 3, an act to amend the act incorporating the Aurora and Napoleon Turnpike Company, and to legalize the proceedings of the board of directors of said company.

No. 93, an act to legalize the election and official acts of judge of probate in Lake county.

No. 102, an act establishing temporarily a court house in the county of Lake, and for other purposes.

And also,

No. 109, a joint resolution on the subject of a western armory.

No. 3, No. 102 and No. 109.

Each with amendments.

In which the concurrence of the House is respectfully requested.

And No. 93, without amendment.

Also, the Senate has passed engrossed bills thereof,

No. 110, an act to locate certain state roads therein named.

No. 133, an act to incorporate the town of Rockport in Spencer county.

No. 143, an act for the promotion of schools and education in Clark's grant.

No. 164, an act to incorporate the town of Franklin, Johnson county, Indiana.

And,

No. 184, an act to incorporate the Logansport Collegiate Institute.

In each of which the concurrence of the House is also requested.

The amendments to bills of the House Nos. 3, 102 and 109 were concurred in,

Ordered, That the Senate be informed thereof.

No. 110, named in the message,

Was read the first time and passed to a second reading on to-morrow.

Nos. 133, 164 and 184, named in the message,

Were twice read and referred to the committee on Corporations,

No. 143, named in the message,

Was read the first and second time and referred to a select committee of Messrs. Fergusson, Hurst and Henley.

The Speaker laid before the House the following Annual Report of the Trustees of Hanover College,

Which was read and laid upon the table.

HANOVER COLLEGE, }
24 November, 1837. }

In conformity with the requisition of the General Assembly of the State of Indiana, the Trustees of Hanover College, submit to the Honorable Senate and House of Representatives, this their fourth annual report:

The last catalogue of the College published Feb. 1837, gives the following summary of the students: seniors 14, juniors 26, sophomores 12, freshmen 23, preparatory department 72, civil engineers 12. Total 159. The whole under the tuition of five professors and two tutors.

At the late commencement in September, the degree of A. B. was conferred on fifteen young gentlemen who composed the senior class, and the degree of A. M. on six of the Alumni of the institution, who had graduated three years before, and whose literary course entitled them to that honor.

The last session commenced under circumstances of usual promise, and was progressing pleasantly, but on the fifth of July the village of Hanover was visited by a tornado, which done immense injury to the property of the corporation. The college edifice was partly demolished, and all their other buildings more or less injured. And although temporary arrangements were made by which the college exercises were continued, yet many of the students apprehending great inconvenience in the deranged state of things left the institution. Such repairs have been made as enabled the Faculty on the opening of the present session to commence business in the college buildings, but as many of their students had connected themselves with other institutions, the number this session is less than it has been for several of the preceding sessions. Yet the confident hope is indulged, that as the erroneous impressions, which has been extensively made on the public mind that the college was disbanded, is corrected, the numbers will be gradually increased.

On the subject of manual labor, the board has but little to report, as no alterations have been made in the general arrangement on that subject since the last report. The cooperage is still carried on and the corporation pledge themselves to furnish employment to all the students who may wish it.

All of which is respectfully submitted.

J. FINLEY CROWE,
Sec. B. F. H. C.

Mr. Reeve presented the petition of Ledgerwood Patterson and others for a state road from Rushville to Knightstown,

Which was referred to a select committee of Messrs. Reeve, Boon Williams of R., Macy and Murphey.

Mr. Macy presented the petition of sundry citizens of Henry county on the same subject.

Which was referred to the same select committee.

Mr. Matlock presented the petition of George Moore and others in reference to the Rockville and Danville State Road,

Which was referred to the committee on roads.

Mr. Glenn presented a communication from M. Stewart on the subject of the Road law now in force.

Which was referred to the committee on revision.

Mr. Arnold presented the petition of sundry citizens of Dearborn county, complaining of the action of the Lawrenceburgh Branch of the State Bank, and asking restrictions in the charter, or a withdrawal of said Branch.

Mr. Marshall moved that the petition be referred to a select committee' with instructions to report a bill directing the State Bank to wind up the business of said Branch Bank, and to establish a Branch in lieu thereof, at the town of Jefforsonville, in Clark county.

A division of the question being called for,

The House decided that the petition should be committed to a select committee,

When Mr. Monroe moved to amend the instructions by striking out "Jefforsonville" and inserting "Salem,"

Which was decided in the negative.

Mr. Haymond moved to strike out Jeffersonville and insert Brookville

When Mr. Proffit moved the previous question,

Which was seconded by a majority of the House.

And on the question, shall the main question be now put.

It was decided in the affirmative.

Whereupon the main question was put, to wit: on the instructions moved to said committee.

And the ayes and noes being requested thereon by Messrs. Proffit and Vandever.

Those who voted in the affirmative, were

Messrs. Bennett	Huston	Robbins
Boon	Judah,	Roe
Boyd	Lane	Sims
Brown	Lee	Smydth of C
Burns	Leviston	Thompson of A
Chamberlain	Macy	Thompson of F.
Cox	Major	Vance
Davis	Marshall	Vandever
Eldridge	Matlock	Walpole
Ferguson	McClure	Watson
Hamel	Miller	Whitman
Hawkins	Milroy	Williams of L.
Henley	Morrison	Wilson
Henricks	Noble	Wines of G. & W.
Hood	Noel	Wines of V.
Hubbard	Perine	Wyman
Huff	Pucket	Zenor and
Hurst	Restine	Mr. Speaker—54.

Those who voted in the negative, were

Messrs. Arnold	Hanna	Pabody
Berry	Helmer	Peaslee
Carleton	Herriman	Porter
Champer	Hocker	Proffit
Cotton of P.	Howell	Reeve
Cotton of S.	Jackson	Richey
Cunningham	Jones	Shook
Ferris	Kenton	Smith of W.
Garrigus	Monroe,	Stapp
Glenn	Murphey	Tannehill
Graham	Nickel	Williams of R
Gregory	Osborn	Williams of W.—38.
Haddon	Owen	

So said instructions were adopted.

Ordered, That Messrs. Marshall, Hurst, Judah, Ferguson, Walpole and Cotton of S. be that committee.

Mr. Walpole made the following report:

MR. SPEAKER:

The Judiciary committee, to whom was referred the petition of sundry citizens of Dubois county, praying for the sale of a certain piece of saline land in Dubois county, have, according to order, had the same under consideration, and instruct me to report a bill in conformity with the prayer of the petitioners.

A bill No. 298, authorizing the sale of certain land in Dubois county;

Which was twice read and ordered to a third reading on to-morrow.

Mr. Judah from the committee on the Judiciary, to which was referred a bill No, 280, to authorize Asher Wilcox to erect a mill dam across the East Fork of White river, in Lawrence county, reported the same back with an amendment,

When said bill was ordered to a third reading on to-morrow.

Mr. Walpole from the committee on the Judiciary, to which was referred a bill of the House No. 85, to amend an act-regulating the admission and practice of attorneys and counsellars at law, approved January 31st, 1824, reported the same back without amendment.

When said bill was read the third time and passed.

Ordered, That the clerk inform the Senate and ask their concurrence therein.

Mr. Stapp made the following report:

MR. SPEAKER:

The committee on Canals and Internal Improvements, to which was referred the petition of Francis Comparett and others, praying a grant of water power on the St. Joseph feeder, have had the same under consideration, and have directed me to report a bill No. 299, to authorize the Board of Internal Improvements to let water power in certain cases.

Which was read the first time, and passed to a second reading on tomorrow.

On motion of Mr. Crume.

Bill No. 76, to amend an act entitled an act to provide for a general system of Internal Improvement, approved Feb. 17, 1836.

Was taken from the table,

And referred to a select committee of Messrs. Carleton, Crume, Vandever and Hanna.

Mr. Vandever made the following report:

MR. SPEAKER:

The select committee to whom was referred bill No. 277 of the House, changing the character of the Madison and Lafayette rail road, have had the same under consideration, and directed me to report the same back to the House with an amendment, by striking the same out from the enacting clause, and inserting the following:

SECTION 1. That the character of so much of the Madison and Lafayette rail road as lies between the towns of Lafayette and Indianapolis, is hereby changed to a McAdamized turnpike road, and the sum of two hundred and fifty thousand dollars of the appropriation of one million three hundred thousand dollars made to said Madison and Lafayette rail road, is appropriated to the construction of so much of said road as is by this act changed to a McAdamized turnpike road, and it is hereby made the duty of the Board of Internal Improvement at the first lettings upon the line of said rail road between the towns of Madison and Lafayette, to make lettings upon that part of said line which is hereby changed to a McAdamized turnpike road, equal to the amount by the act appropriated thereto.

SEC. 2. That the Board of Internal Improvement, in the construction of so much of the line of said Madison and Lafayette rail road as lies between the towns of Madison and Indianapolis, shall cause the same to be

constructed with a single track superstructure with suitable turnouts, and may use in the construction thereof either the flat or T rail, as the interest of the State may require.

SEC. 3. That the Board of Internal Improvements shall, in putting under contract the other works provided for in the "act to provide for a General System of Internal Improvements," approved Jan. 27, 1836, make such lettings as will equalize as near as may be consistent in the interest of the State, the amount of the contracts on the several works, in proportion to the specific appropriations made on the several works by said act; and there being no specific appropriation made by said act to the Michigan and Erie canal, the Board of Internal Improvements shall take the present estimated costs of said canal as a specific appropriation to said canal, for the purpose of making estimates for equalizing the contracts upon the works, in said act mentioned as aforesaid.

SEC. 4. Nothing in this or any other act contained shall authorize the Board of Internal Improvements to apply any part of the appropriation upon any work or works in the said "act to provide for a general system of Internal Improvements," approved January 27th, 1836, to any other work or works than such as said appropriations were specifically made to by said act.

SEC. 5. This act shall be in force from and after its passage.

And before any decision thereon the House adjourned.

2 o'clock, P. M.

The House met:

On motion of Mr. Stapp the previous orders of the day were postponed;

And the House proceeded to the consideration of the subject pending at the adjournment.

Mr. Stapp asked a division of the question;

And on striking out the original bill;

The ayes and noes being requested thereon by Messrs. Howell and Gregory.

Those who voted in the affirmative, were

Messrs. Berry
Bryce,
Carleton,

Hubbard,
Huff
Huston

Richey,
Ristine,
Robbins

Chamberlain,
Champer
Crume
Davis,
Dowling,
Eldridge
Graham,
Hamel,
Hanna,
Hawkins,
Haymond,
Helmer,
Henricks,
Herriman,
Hocker,
Hood,

Jones
Judah,
Kenton,
Lane,
Lee,
Marshall,
Matlock
M'Clure
Monroe
Morrison,
Murphey,
Noble
Osborn,
Pabody,
Puckett,

Sims,
Smydth of C.,
Stapp,
Tannehill,
Thompson of A.,
Thompson of F.,
Vance,
Vandeveer,
Watson,
Williams of L.,
Williams of W.,
Wines of V.,
Wyman and
Mr. Speaker—55.

Those who voted in the negative, were

Messrs. Arnold,
Bennett,
Boon
Boyd,
Burns
Brown
Carr,
Cotton of P.,
Cotton of S.,
Cox
Ferguson
Ferris,
Garrigus
Glenn,

Gregory,
Haddon,
Henley
Howell,
Hurst,
Jackson,
Leviston,
Major
McCrillius,
Miller,
Milroy,
Nickel
Noel,

Owen,
Peaslee,
Perine
Porter,
Reeve,
Roe
Shook
Smith of W.,
Walpole,
Whitman
Williams of R.
Wilson, &
Zehor—40.

So said bill was stricken out.

Mr. Owen moved to strike out the amendment reported by the committee and insert the following.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the character of so much of the Madison and Lafayette Road, as lies between Indianapolis and Lafayette. be, and the same is hereby changed from that of a Rail Road to a McAdamized road.

SEC. 2. The Board of Internal Improvement shall lay down, on so much of said road as lies between Madison and Indianapolis, a substructure of a single track rail road only, until further action of the Legislature.

SEC. 3. The Board of Internal Improvements
in constructing said single track rail road, shall employ either the T rail or the flat bar rail, as in their opinion, taking all the circumstances of the case into consideration, the interests of the State require.

SEC. 4. That the first lettings hereafter made on the Madison and Lafayette road, to the amount of two hundred and fifty thousand dollars, part of the original appropriation of \$1,300,000, shall be made on that portion of said road lying between Crawfordsville and Lafayette.

And the ayes and noes being requested thereon by Messrs. Gregory and Osborn.

Those who voted in the affirmative, were

Messrs. Arnold	Hanna	Peaslee
Bennett	Hawkins,	Perine
Berry,	Haymond	Porter
Boon	Helmer	Puckett
Boyd	Henley,	Reeve
Bryce	Hocker	Richey
Brown	Hubbard	Ristine
Carleton	Huff,	Shook
Carr	Hurst	Sims
Champer	Huston	Smith of W.,
Cotton of P.	Jackson	Smydth of C.
Cotton of S.	Jones	Thompson of A.
Cox	Judah	Thompson of F.
Crume	Kenton	Vance
Cunningham	Macy	Vandever
Davis	Matlock,	Walpole
Ferguson	Miller	Watson
Ferris	Monroe	Whitman,
Garrigus	Murphey	Williams of L.
Glenn	Nickel	Williams of R.
Graham	Noble	Williams of W.
Gregory	Noel	Wilson
Haddon	Osborn	Wines of V. and
Hamel	Owen	Zenor—72

Those who voted in the negative were,

Messrs. Burns	Lee	Pabody
Chamberlain	Leviston	Robbins
Dowling	Major	Roe
Eldridge	Marshall	Stapp
Henricks	McClure	Tannehill
Herriman	McCrillus,	Wines of G. & W
Hood	Mikroy	Wyman and
Howell	Morrison	Mr. Speaker—29.
Lane		

So said amendment prevailed.

When Mr. Chamberlain moved to amend the amendment as follows:

SEC. —, That in the first lettings to be hereafter made, on the several works provided for in the act to provide for a general system of internal Improvement, such work or works as have no specific appropriations made on it or them in said act, shall in point of the time of such lettings, and the amount to be appropriated, be put on a footing of equality with those works on which specific appropriations were in said act made, taking into consideration the estimated cost of such work or works."

The following was placed on the journal at the motion of Mr. Jones, on the morning of the 3rd February:

Mr. Jones offered the following modification of the amendment of Mr. Chamberlain:

"And that in the first lettings of contracts to be hereafter made on the several works provided for in the act to provide for a General System of Internal Improvement, approved January 27, 1836, shall make such lettings of contracts on the Central Canal, as will equalize the amount of contracts thereon, taking into consideration the length and estimated cost of said Central Canal."

Which modification Mr. Chamberlain refused to accept.

And the ayes and noes being requested on the amendment of Mr. Chamberlain by Messrs. Herriman and Noel,

Those who voted in the affirmative were:

Messrs Boyd	Henricks	Milroy
Burns,	Herriman	Robbins
Chamberlain	Hood	Roe
Crume,	Hurst	Smydth of C.
Dowling,	Lane	Thompson of F.
Eldridge	Lee	Wilson and
Hamel	Marshall	Mr. Speaker.—23.
Henley	M'Clure	

Those who voted in the negative, were

Messrs. Arnold	Helmer	Porter
Bennett	Hocker	Proffit
Berry	Howell	Puckett
Boon	Hubbard	Reeve
Bryce	Huff	Richey
Brown	Huston	Ristino
Carleton	Jackson	Shook
Carr	Jones	Sims
Champer	Judah j	Smith of W.
Cotton of P.	Kenton	Stapp
Cotton of S.	Leviston	Tannehill
Cox	Macy	Thompson of A.
Cunningham	Major	Vance
Davis	McCrillus	Vandever

Ferguson,
Ferris
Garrigus,
Glenn
Graham
Gregory
Haddon
Hanna
Hawkins
Haymond

Miller
Monroe
Morrison,
Murphey
Nickel
Noel
Osborn
Owen,
Pabody
Peaslee

Walpole
Watson
Whitman
Williams of L.
Williams of R.
Williams of W.
Wines of V.
Wyman and
Zenor—71

So said amendment was decided in the negative.

On motion of Mr. Proffitt,

The amendment was amended by adding the following additional section:

"Sec. ——. Nothing in this act shall be so constructed as to make any additional appropriation of money on said Madison and Indianapolis rail road; and the board of Internal Improvement are hereby instructed to let no contracts on said road which will exceed the amount of the original appropriation on the Madison and Lafayette rail road, deducting from said appropriation the amount by this act ordered to be expended on the road from Crawfordsville to Lafayette."

Mr. Whitman moved the following amendment:

"That the Jeffersonville and Crowfordsville road shall be graded to a grade not exceeding sixty feet rise to the mile, and all that part of said road that lies between New Albany and Salem shall be let during the year 1838, and that no curves in said road shall be less than one thousand feet radius."

Which was decided in the negative.

Mr. Cunningham moved the following amendment:

"That the board of public works are hereby required when any contracts are to be let, to place so much of the Jeffersonville and Crawfordsville road under contract as will place the same on an equal footing with other works in the State, taking into consideration the amount of funds appropriated for each work."

Which was decided in the negative.

When the amendment of Mr. Owen as amended was adopted.

And the rule dispensed with and the bill considered as engrossed and read the third time and passed.

Ordered, That the clerk inform the Senate and ask their concurrence therein.

Mr. Miller made the following report:

MR. SPEAKER:

The select committee to which was referred the petition of John Hargrove and other citizens of Gibson county, praying that the Bridge erecting across Patoka river, near Columbia, be made a toll bridge, have had the same under consideration and have directed me to report by bill;

No. 300. To authorize the Board doing county business in Gibson county to levy and collect tolls on a certain bridge in said county,

Which was read the first time, and passed to a second reading on to-morrow.

The following report was made by Mr. Owen:

MR. SPEAKER:

The select to which were referred certain petitions of citizens of Posey county praying that Big Creek in said county be declared a public highway, has instructed me to report a bill,

No. 301, declaring Big Creek a public highway,

Which was read the first time and passed to a second reading on to-morrow.

Mr. Hamel from the select committee to which was referred a bill of the House No. 295, to incorporate the Calumet Bridge Company; reported the same back with amendments,

Which were concurred in and the bill ordered to a third reading on to-morrow.

Mr. Williams of R. made the following report:

MR. SPEAKER:

The committee to whom was referred the petition of Silas Mauzy and others, praying a change in the name of the town of Veinna, in the county of Rush, and State of Indiana, have had the same under consideration and directed me to report the following bill,

No. 302, to change the name of a town.

Which was read the first time and passed to a second reading on to-morrow.

Mr. Hurst made the following report:

MR. SPEAKER:

The committee to whom was referred the petitions from the Board of Directors of the Jeffersonville and New Albany Canal Company and from the citizens of Jeffersonville praying a change of the character of the road from the town of Jeffersonville to New Albany from that of a rail to a McAdamized road, have had the same under consideration and directed me to report the following joint resolution,

No. 303, in relation to the road between Jeffersonville and New Albany.

Which was read the first and second time and referred to the committee on Canals and Internal Improvements.

Mr. Vandever made the following report;

MR. SPEAKER:

The select committee to which was referred the petition of John Henderson and others, have had the same under their consideration and has directed me to report a bill,

No. 304, a bill to legalize the sale of certain school lands in Orange county,

Which was read the first time and passed to a second reading on tomorrow.

Mr. Walpole from the select committee to which was referred a bill of the House No. 233, reducing the compensation of the clerk to the board of internal improvement, reported the same back with an amendment to strike out \$500 and insert \$700,

Which was concurred in.

When,

Mr. Proffitt moved,

That the bill be referred to the committee on canals and internal improvement.

And the ayes and noes being requested thereon by Messrs. Walpole and Miller.

Those who voted in the affirmative were:

Messrs. Bryce	Hubbard	Roe,
Dowling	Jones	Stapp
Graham	Lane	Tannehill
Hanna	Lee	Thompson of A.
Haymond	Marshall	Thompson of F.
Henley	Owen	Watson
Henricks	Proffit	Wilson and
Hocker	Reeve,	Wines of G & W
Howell	Ristine	—26.

Those who voted in the negative were:

Messrs. Arnold	Garrigus	Monroe
Bennett	Glenn,	Morrison
Berry	Gregory	Murphey
Boon	Haddon	Nickel
Boyd	Hamel	Noble
Brown	Helmer	Noel
Burns	Herriman	Osborn
Carleton	Hood	Paboby
Carr	Hurst	Perine
Champer	Huston	Porter
Cotton of P.	Jackson	Richey
Cotton of S.	Judah	Shook
Cox	Kenton	Smith of W.
Crume	Leviston,	Smydth of C
Cunningham	Major	Vandever
Davis	McClure	Walpole
Eldridge	McCrillus	Whitman
Ferguson	Miller	Williams of L. &
Ferris	Milroy	Williams of W. 57

So said bill was not committed;

When on motion said bill was laid upon the table.

Mr. Murphey from the select committee, to which was referred petitions on that subject, reported a bill No. 305, for the incorporation of the town of Raysville;

Which was twice read and referred to the committee on Corporations.

Mr. Reeve from the select committee, to which was referred a petition on that subject, reported a bill No. 306, to locate a State road from Rushville to Knightstown;

Which was twice read and referred to the committee on Roads.

Mr. Watson made the following report:

MR. SPEAKER:

The select committee to which was referred the petition of J. T. Shields and others citizens of the county of Carroll, praying to be attached to the county of Cass; and also the petition of John Gist and others, of the counties of Carroll and Clinton, praying for the formation of a new county, to be composed of the counties of Carroll and Clinton, and also that part of the territory lately purchased of the Miami Indians, which lies east of the county of Carroll; and also the petition of Jorand Olds and other citizens of the counties of Tippecanoe, Carroll, White and Clinton, praying for a new county to be formed out of the said counties; have had the several petitions under our consideration, and have carefully examined their several merits, and have unanimously agreed to report that the prayers of the petitioners are not in accordance with the provisions of the constitution, and ought not to be granted, as it would thereby reduce the several counties therein named to less than four hundred square miles; the committee therefore think that any further action on the same is unnecessary and inexpedient, and ask to be discharged from any further consideration of the same.

On motion,

The House concurred in said report, and the committee was discharged

Mr. Thomposn of A. made the following report:

MR. SPEAKER:

The select committee to which was referred certain communications and charges against the official conduct of John G. Clendenin, a member of the Board of Internal Improvements, have had the same under consideration, and after having examined the charges and specifications, have directed me to report, that it is inexpedient and unnecessary to prosecute said investigation further, and ask to be discharged from the further consideration of the same.

On motion,

Said report was concurred in, and the committee discharged.

Mr. Monroe introduced a bill No. 207, supplemental to an act to locate a State road from Salem to Charlestown.

Mr. Hood introduced a bill No. 308, to provide for the further improvement of the Michigan road.

Mr. Huston introduced a joint resolution No. 310, for the relief of Burwell R. Steele.

Which were severally read the first time, and passed to a second reading on to-morrow.

Mr. Peaslee introduced a bill No. 309, to declare certain county roads in the county of Shelby, State roads.

Mr. Sims introduced a bill No. 311, to establish a State road in Morgan county.

Mr. Perine introduced a bill No. 312, to locate part of a State road therein named.

Which were twice read and referred to the committee on Roads.

Mr. Carleton introduced a joint resolution No. 313, for the benefit of the collector of Fountain county;

Which was twice read and referred to the committee on Claims.

On motion of Mr. Smyth of C.

Resolved, That the committee on Canals and Internal Improvements be instructed to enquire into the expediency of reporting a bill authorizing the commissioners of the Cross Cut Canal and Wabash river to construct a tow path from the feeder dam so far up Eel river as the pool of said dam may extend, at such time as the public interest may require the same.

On motion of Mr. Garrigus.

Resolved, That the Fund Commissioners be requested to furnish this House with a detailed statement of all expenditures during the last year, specifying each item of expenditure, and to be embraced under the following heads:

1st. The amount paid to each individual member as his per diem allowance.

2nd. The amount paid to each member for contingent expenses and items given separately.

3d. The amount paid to the State Bank and its branches for the monies furnished by the latter on the lines of the public works.

And then the House adjourned until to-morrow morning 9 o'clock.

SATURDAY MORNING, Feb. 3, 1838.

The House met pursuant to adjournment.

On motion of Mr. Burns,

Resolved, That the standing rules be so amended as to preclude all debate on motions to lie on the table.

Mr. Smydth of C. presented the petition of Matthew Phelps and others asking allowance for money expended in apprehending horse thieves.

Which was referred to a select committee of Messrs. Smydth of C., Dowling and Noel.

Mr. Cunningham presented the petition of Joseph M. Hillis and others asking a change in the law authorizing assessors.

Which was referred to the committee on Revision.

Mr. Hood presented the remonstrance of James B. Fulwiler and others against a change in the boundaries of Miami county.

Which was laid upon the table.

Mr. Jones moved to take from the table the resolution of the Senate fixing the time for adjournment of the General Assembly,

And the ayes and noes being requested thereon by Messrs. Jones and Howell,

Those who voted in the affirmative, were

Messrs. Arnold	Henricks	Pabody,
Berry	Herriman	Puckett
Boon	Hood	Reeve
Boyd	Howell	Ristine
Carleton	Hubbard	Roe
Champer	Huston	Shook
Cotton of P.	Jackson	Sims
Cotton of S.	Jones	Smith of W.
Cox,	Judah	Stapp
Cunningham,	Kenton	Tannehill
Davis	Lane	Thompson of A.
Ferguson	Lee	Vandeveer
Ferris	Leviston	Walpole
Glenn,	Marshall	Watson
Graham	Miller	Williams of L.
Haddon	Monroe	Williams of R.
Hanna	Murphey	Williams of W.
Hawkins	Noble	Wines of V.
Haymond	Osborn	Zenor and
Helmer	Owen	Mr. Speaker—61.

Those who voted in the negative, were

Messrs. Bennett	Hamel	Porter
Bryce	Hocker	Richey
Brown	Hurst	Robbins
Burns	Major	Smydth of C.
Chamberlain	McClure	Thompson of F.
Crume	McCrillus	Vance
Dowling	Milroy	Whitman
Eldridge	Noel	Wines of G. & W.
Garrigus	Perine	and Wyman--27.

So said resolution was taken up.

Mr. Vandever moved to amend said resolution by striking out the 19th and inserting the 12th.

When Mr. Owen moved the previous question,

Which was seconded by a majority of the House.

And on the question shall the main question now be put?

Was decided in the affirmative.

Whereupon the main question was put,

Will the House concur in the resolution of the Senate?

And the ayes and noes being requested thereon by Messrs. Glenn and Vandever,

Those who voted in the affirmative were

Messrs. Arnold,	Henricks,	Osborn,
Berry,	Herriman,	Owen
Boyd,	Hocker,	Pabody,
Carleton	Hood,	Perine
Carr,	Howell,	Puckett
Champer	Hubbard,	Ristine,
Cotton of P.	Huston	Robbins
Cotton of S.,	Jackson,	Roe,
Cox	Jones	Shook
Cunningham	Judah	Sims
Davis,	Kenton,	Smith of W.
Ferguson	Lane	Stapp,
Ferris	Lee,	Tannehill,
Glenn	Leviston,	Thompson of A.
Graham,	Marshall,	Vandever,
Haddon,	M'Crillus	Walpole,
Hanna,	Miller,	Watson,
Hawkins,	Monroe,	Williams of W. }
Haymond	Murphey,	Wines of V. and
Henley,	Noble	Mr. Speaker--60

Those who voted in the negative, were

Messrs. Bennett,	Hamel	Richey
Boon,	Helmer,	Smydth of C.
Bryce	Hurst,	Thompson of.
Brown,	Major,	Vance,
Burns,	Mallock	Whitman,
Chamberlain,	M'Clure,	Williams of L.
Crume	Milroy	Williams of R.
Dowling	Noel,	Wines of G. & W.
Eldridge,	Porter,	Wyman and
Garrigus,	Reeve,	Zenor—29.

So said resolution was concurred in.

Ordered, That the Senate be informed thereof.

Mr. Crume from the committee of Ways and Means made the following report:

MR. SPEAKER:

The committee of Ways and Means, whose duty it is to examine the offices of Treasurer and Auditor of State; the situation of the Treasury; present and prospective state of the finances: and generally all things connected with the administration of the fiscal concerns of the State, submit the following

REPORT:

The committee have examined the books, papers, vouchers, warrants, and the cash on hand in the offices of Treasurer and Auditor, and find the same correct. The books are neatly and accurately kept, and various duties of both offices faithfully and diligently performed.

The following Tables and Abstracts, numbered 1, 2, 3, 4, 5, 6 and 7, present a detailed view of the public finances.

Abstract No. 1, contains a statement of the assessments, collections and payments into the Treasury for the year 1837, by which it appears that the nett amount of revenue of 1837 was \$158,348 03, (exclusive of the counties of Huntington, Lake, Vigo and Vandeburgh, which have not made settlement.) That the actual payments into the Treasury up to the first of January, 1838, were \$153,392 55, which leaves an outstanding balance of \$4,955 48, the main portion of which has since been paid.

The committee have the satisfaction to state, that the promptness with which the collection and payment into the Treasury, of the public re-

venue is highly creditable to the collecting officers, and affords the best evidence that our revenue laws in this particular are salutary and efficient.

Statement No 2, exhibits the Receipts and Expenditures for the year 1837; commencing January 1st, 1837, and ending on the 31st of December last, by which it will be seen that the balance remaining in the Treasury, on the 1st of January, 1838, was \$138,914 45.

No. 3, exhibits a list of balances due the State from collectors for former years.

No. 4, shows the available means of the Treasury for the year 1838.

No. 5, containing an estimate of the Expenditures for the same year, by which it will be seen, that, after the payment of the deficit of last year, and the expenditures of the present, there will remain in the Treasury, on the close of the financial year, the sum of 4,826 24.

This result must be gratifying to the legislature and to the people, when we take into view the deficit of upwards of \$22,000 of last year, and the heavy expenditures consequent upon revising the laws the present session.

With a view that the legislature may be properly advised of the probable condition of the Treasury in the next ensuing year, and that the proper ways and means be provided, the committee present a "prospective view of the Treasury for 1839," being statement No. 6. This statement is predicated upon the presumption, that for State purposes, a levy will be made of only 5 cents on the \$100 of valuation, and that, the remaining 10 cents on the \$100, will be devoted to the payment of interest on the improvements loans.

By this statement it will be seen that the means of the Treasury, applicable to the expenditures of 1839, will be \$85,826 24, and that the expenditures of the State for the same year, for all ordinary purposes will be \$81,659 00, leaving in the Treasury at the close of the financial year of 1829, the sum of \$4,176 24.

Thus it will appear, that the rapidly increasing population and wealth of the State, is fully commensurate with the increased demand upon the Treasury, and now, that the late deficient and other extraordinary claims upon the Treasury are liquidated and provided for, there can scarcely be a doubt, that with a proper economy the same grade of taxation levied previous to 1837, will be fully adequate to all the ordinary expenses of the government.

The committee conceive it to be within the sphere of their duty, also, to present to the House a statement of the amount required for the payment of the interest on the state improvement loans. By the report of the Board of Improvement of last session it was stated that the amount necessary to discharge this interest in 1838 would be \$108,000.

To exhibit the means upon which the committee rely for this amount, they present a statement No. 7.

It is proper to remark that this statement is based upon the expectation that the legislature will so amend the revenue laws as to direct two thirds of the property tax to be applied to this object, which the committee recommend.

The committee have been brought to this conclusion from the belief, after critical examination of the matter in all its bearings, that the existing tax on polls, and a levy of five cents on the \$100 of valuation of property, will be adequate to the ordinary expenditures of the State for years to come, as exhibited in tables Nos. 4, 5 and 6. Without increasing the burthens of the people, then, the whole expenses of the State, and the interest on the improvement loans the present year will be provided for by enacting the provisions here recommended.

By the practical operation of the law requiring collectors to return the lands of non-residents and others who fail to pay their taxes, to the School Commissioners, your committee are fully satisfied that interminable difficulties will arise; and what is equally objectionable, its inequality of burthens and benefits are unjust and iniquitous in the extreme.

By reference to table No. 1, it will be seen, that while some counties of medium size return nearly \$1,000 others of much greater magnitude return but little over \$100. Thus while some portions of the State, are reaping a rich harvest for their school fund, from moneys which would otherwise go into the Treasury, other portions are paying nearly their whole assessments into the Treasury as a common fund.

From these and other considerations which might be urged, the committee recommend that the several laws on that subject be repealed and that the law of 1827 be re-enacted.

All which is respectfully submitted.

MARKS CRUME.

STATEM

List of Balances from 1822 to 1st of January

County	1822	1823	1824	1825	1836	1827	1828
Clark		923 00					
Decatur							1763 2
Floyd	184 15	733 84					
Huntington							
Jackson	224 50					326 03	
Jefferson		33 74		571 82			
Kosciusko							
Laporte							
Lake							
Madison						59 94	
Martin	203 94	217 19					
Pike						29 03	
Posey							
Scott			104 32		293 05		216
Spencer							
Switzerland						303 83	
Vanderburgh							
Vigo							
	612 59	1907 77	104 32	571 82	293 05	718 83	437 32

ENT No. 3.

1838, due from Collectors for State Revenue.

1829	1830	1831	1832	1833	1834	1835	1836	1837	Remarks.
					45 00	52 22		397 47	
								322 06	{ \$2000 is under- stood to be paid. No delin. com. &c. yet allowed.
								2,627 62	
								337 39	
				29 87					
								491 58	
							252 91	2,897 50	No com.&c. all'd for 1836,& no set for '37 Com & delin &c.yet to be deducted.
								2,672 14	
				29 87	15 00	52 22	252 91	9,655 76	

GENERAL

Receipts and Expenditures

RECEIPTS.

	\$ cts.	\$ cts.
There was remaining in the Treasury on the 1st day of January, 1837		43,608 88
There has been received at Treasury for Revenue of 1836	2,661 98	
Received on account of Revenue 1837	153,392 55	
		156,054 53
“ from sales of Michigan Road Lands	4,416 17	
“ from sales of Lots in Indianapolis	850 82	
“ from sales of Seminary Lands	2,210 92	
“ from sales of Saline Lands	3,061 52	
		10,569 43
“ from borrowers of Saline Fund (refunded)	1,745 00	
“ from borrowers of Seminary Fund (refund.)	8,946 62	
		10,691 62
“ for interest on loans of Seminary Funds	3,837 03	
“ for interest on loans of Saline Fund	1,735 12	
		5,572 15
“ from incidental receipts (including bonus paid by Lawrenceburgh and Indianapolis Rail Road Company	1,116 50	
“ from administrators of estates without heirs	134 50	
		1,251 00
Total amount of receipts		232,747 61
Add to this outstanding warrants:		
No. 2068, State Prison	37 50	
“ 2765, Probate	24 00	
“ 2766, Wolf	2 00	
“ 2775, Wolf	4 00	
		67 50
		232,815 11

STATEMENT No. 2.

for the year 1837.

EXPENDITURES.

	\$	cts.	
There has been expended since the 1st day of January, 1837, as follows:			
For pay of members and expenses of legislature	24,379	24	
“ Public printing	7,787	51	
“ Specific appropriations	5,306	63	
“ Contingent expenses	1,096	70	
“ Wolf scalps	443	00	
“ Probate Judge's compensation	3,466	50	39,013 08
“ Salaries of Executive Officers	2,918	80	
“ Salaries of President and Supreme Judges	11,874	65	
“ Salaries of Prosecuting Attorneys	1,561	85	
“ Salaries of Adjutant and Q. Mast. Generals	183	33	
“ Imp. and Expenses incident to State House	6,491	51	
“ Expenses of State Prison	1,004	23	27,500 87
“ Additions to State Library and pay of Librarian	501	29	
“ Audited expenses of Michigan road	1,088	19	
“ Michigan Road Scrip redeemed	3,831	00	
“ Estates without heirs refunded to heirs	28	28	
“ Expenses incident to Presidential Election	109	50	
“ Expenses of State College	4,520	53	10,088 79
“ Loans of College Funds	16,924	50	
“ Loans of Saline Funds	7,390	00	
“ Expenses of Seat of Government	175	00	
“ Salary of Geologist	1,291	78	
“ School money refunded to counties	1,231	96	
“ Expenses of Saline Fund	226	18	
“ Distribution of conscientious fines	7	06	16,246 42
Outstanding warrants at last report			93,849 16
			51 50
			93,900 66
Add to this to balance, the actual amount of cash in Treasury on 1st day January, 1838			138,914 45
			232,815 11

STATEMENT NO. 4.

Showing the available means of the Treasury for the year 1838.

The amount in the Treasury on the 1st day of January 1838, was	\$138,914 45
There may be expected to be paid on account of revenue of former years	1,000 00
Balance of revenue of 1837, outstanding on the 1st January, 1838	9,000 00
Probable amount from rent of State Prison	1,000 60
	<hr/> \$149,914 45

STATEMENT No. 5.

Being an estimate of the Expenditures for the year 1838.

For salaries of Judges and Prosecutors		\$14,000 00
“ “ Executive officers		3,200 00
Printing, stationary and binding the laws, and distributing same		17,000 00
Legislature, including clerks and door-keepers		45,000 00
Contingent and specific appropriations		7,500 00
Probate Judges		3,500 00
Wolf Scalps		500 00
State Prison		1,000 00
State Library		350 00
Adjutant and Quarter Master Generals		150 00
State House		2,700 00
Geological Survey		1,750 00
School money refunded		1,000 00
Internal Improvement		40,815 59
		<hr/>
		\$138,465 59
To which may be added the following liabilities of the Treasury, viz:		
College Fund in the Treasury	1,671 00	
Saline fund do do	2,530 24	
Estates without heirs	1,878 38	
Conscientious fines to be distributed	543 00	
	<hr/>	
		6,622 62
		<hr/>
		\$145,088 21
The means of the Treasury for 1838, as per statement No. 4, will be	149,914 45	
From which deduct expenditures and liabilities as per statement No. 5,	145,088 21	
	<hr/>	
Leaving this balance in the Treasury on the 1st day of December, 1838	\$4,826 24	

STATEMENT NO. 6.

Prospective View of the Treasury for 1839.

The receipts from revenue and other sources for 1838, on the supposition that the tax for State purposes will be 5 cents on the \$100, and the poll tax same as at present may be estimated as follows, viz:	
Estimated balance in Treasury at the close of the year 1838 to be carried to the credit of 1839	4,826 24
Revenue of 1838	80,000 00
Rents of State Prison	1,000 00
	85,826 24
The expenditures of 1839, for State purposes are estimated at	81,650 00
	4,176 24
Leaving a probable balance in the Treasury at the close of 1839, of \$4,176 24.	

STATEMENT NO. 7.

Internal Improvement, interest fund for 1838.

There will be realized for interest on the surplus revenue in sinking fund office	22,880 00
Revenue assessments at the rate of 10 cents on the \$100	85,120 00
	<hr/>
	108,000 00
The demands to meet interest on loans in the year 1838, as per report of Board of Improvement	\$108,000 00

Which was laid upon table.

And 2000 copies ordered to be printed.

Mr. Crume also reported a bill No. 317, making general appropriations for the year 1838.

Also, No. 318, making specific appropriations for the year 1838.

Which were severally read the first time and passed to a second reading on Monday next.

Mr. Crume made the following report:

Mr. SPEAKER:

The committee of Ways and Means to whom was referred the petition of E. C. Beckwith and others, praying that John Meeks of Spencer county be permitted to retail liquor in said county by paying a tax of five dollars annually for a license so to do, have had that subject under consideration, and have directed me to report the following bill:

No. 314, to authorize the board doing county business in the county of Spencer to grant a license to John Meeks to retail liquors and vend foreign and domestic groceries.

Mr. Hubbard moved that said bill be indefinitely postponed.

And the ayes and noes being requested thereon by Messrs. Crume and Hubbard,

Those who voted in the affirmative were:

Messrs. Arnold	Hubbard	Reeve
Berry	Jackson	Ristine
Carleton	Lane	Sims
Cox	Macy,	Smydth of C.
Cuningham	M'Clure	Stapp
Ferris	Morrison	Watson
Glenn	Noel	Whitman
Haddon	Pabody	Williams of L,
Hamel	Perine,	Williams of R.
Haymond	Porter	Williams of W and
Helmer	Pucket	Mr, Speaker—34.
Hocker		

Those who voted in the negative, were

Messrs. Bennett	Henricks,	Murphey
Boon	Herriman	Osborn
Boyd	Hood	Owen
Bryce	Howell	Richey
Burns	Hurst	Robbins,

Cotton of P.
Cotton of S.
Crume
Davis
Dowling
Ferguson
Garrigus
Graham
Hanna
Henley

Huston
Jones
Judah
Kenton
Leviston
Major,
Marshall
Matlock
Milroy,
Monroe

Roe
Shook,
Smith of W.
Tannehill
Thompson of F.
Walpole
Wines of G. & W.
Wines of V.
Wyman and
and Zenor—41.

So said bill was not indefinitely postponed.

And thereupon the bill was ordered to a third reading on Monday next.

Mr. Thompson of A. moved that a resolution directing the committee of Ways and Means to enquire into the expediency of creating a board of equalization of taxes throughout the State be taken from the table.

And the ayes and noes being requested thereon by Messrs. Vandever and Bennett.

Those who voted in the affirmative, were

Messrs. Boyd
Carleton
Crume
Dowling
Graham
Hamel
Hawkins,
Haymond
Helmer
Henricks
Herriman
Hood

Jones
Judah
Lane
Marshall
McClure
McCrillus,
Morrison
Owen
Pabody
Reeve
Richey
Ristine

Sims
Stapp
Thompson of A.
Thompson of F.
Vance
Whitman
Williams of R.
Williams of W.
Wines of V.
Wyman and
Mr. Speaker—36.

Those who voted in the negative were,

Messrs. Arnold
Bennett
Boon
Bryce
Burns
Carr
Cotton of P.
Cotton of S.
Cox
Davis
Ferguson
Ferris
Glenn

Hocker
Howell
Hubbard
Hurst
Huston
Jackson
Kenton
Leviston
Macy
Major
Miller
Milroy
Murphey

Perine
Porter
Puckett
Robbins
Roe
Shook
Smith of W.,
Smydth of C.
Tannehill
Vandever
Walpole
Watson
Williams of L.

Haddon
Hanna
Henley,

Noel
Osborn

Wines of G. & W
and Zenor—46

So said resolution was not taken up.

Mr. Graham made the following report:

MR. SPEAKER:

The committee of Ways and Means have directed me to report the following resolution to the House and request its adoption:

Resolved, That the committee on Revision be instructed to incorporate in the revised laws of 1838, the provisions of the law of 1827, relative to the non-payment of taxes upon lands, and to repeal all laws and parts of laws that make it the duty of collectors to return the same to the School Commissioners.

On motion,

The report was concurred in and the resolution adopted.

Mr. Glenn made the following report:

MR. SPEAKER:

The committee of Ways and Means have had under consideration a resolution directing them "to inquire into the expediency of providing by law for the compensation of the Judges of the Supreme Court for services performed in revising the statute laws of the State according to the instructions of the Legislature at the session of 1836 and '37;" and have ascertained that the Judges of said court neither ask or expect compensation for such services. The committee therefore direct me to report the following resolution:

Resolved, That the thanks of this General Assembly be, and the same are hereby presented to the Honorable Judges of the Supreme Court of this State for services performed by them in revising the laws according to the request of the last General Assembly; and that the Senate be requested to reciprocate this resolution.

Which was unanimously adopted.

Ordered, That the Senate be informed thereof and their concurrence requested.

Mr. Judah from the committee on the Judiciary to which was referred a bill of the Senate No. 97, authorizing the arresting and securing fugitives from justice,

Reported the same back without amendment.

When said bill was read the third time and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Owen moved that 200 copies of the bill No. 217, regulating marriage settlements and for other purposes, (heretofore laid upon the table) be printed for distribution in different portions of the State.

And the ayes and noes being requested thereon by Messrs. Judah and Walpole.

Those who voted in the affirmative, were

Messrs. Boyd	McCrillus	Shook
Chamberlain	Miller	Smith of W.
Champer	Milroy	Tannehill
Cotton of P.	Monroe,	Thompson of F.
Crume,	Morrison	Vance
Dowling	Osborn	Vandever
Graham	Owen	Whitman
Henley	Perine	Williams of L.
Howell	Pucket	Williams of W
Jones	Richey	Wines of V.
Kenton	Robbins	Wyman and
Marshall	Roe	Mr. Speaker—35.

Those who voted in the negative, were

Messrs. Arnold	Haddon	Major
Bennett	Hamel	Matlock
Berry	Hawkins	McClure
Boon	Haymond	Murphey
Bryce,	Helmer	Noel
Carleton	Herriman	Pabody
Carr	Hocker	Porter
Cotton of S.	Hood	Reeve
Cunningham	Hubbard	Restine
Davis	Hurst	Smydth of C
Eldridge	Jackson	Walpole
Ferguson	Judah,	Watson
Ferris	Lane	Williams of R
Garrigus	Leviston	Wines of V, and
Glenn	Macy	Zenor—44.

So said motion was decided in the negative.

Mr. Robbins from the committee on the Judiciary, to which was referred a bill of the House No. 259, to authorize John B. Turner to sell and convey lot No. 25 in the town of Logansport, reported the same back, and that in the opinion of said committee legislation on that subject is inexpedient.

When, on motion,

Mr. Walpole from the select committee to which petitions on that subject were referred, reported a bill No. 315, changing the time of holding courts in the fifth judicial circuit.

Which was twice read and laid upon the table.

Mr. Robbins made the following report:

MR. SPEAKER:

The Judiciary committee to which was referred bill No. 241, to provide for the taking of depositions in certain cases therein mentioned, have had the same under consideration, and have directed me to report said bill to the House with one amendment.

Which was concurred in,

And the bill ordered to a third reading on Monday next.

The Speaker laid before the House the annual report of the Centreville Insurance and Savings Institution,

Which was referred to the committee on Corporations.

Mr. Jones introduced a bill No. 316, to incorporate the Governor's Guards,

Which was read the first and second time, and referred to the committee on Corporations.

Mr. Cotton of S. moved the adoption of the following resolution:

Resolved, That the Fund Commissioners be instructed to negotiate no loan hereafter in any other currency than gold and silver.

And also to make no deposits of any money hereafter, in any other than solvent specie paying banks.

Mr. Hubbard moved that said resolution be laid upon the table.

The ayes and noes being requested thereon by Messrs. Burns and Cotton of S.

Those who voted in the affirmative, were

Messrs. Berry
Boyd,
Cox
Crume
Cunningham
Davis,
Graham,
Hamel,

Jones
Kenton,
Macy
Matlock
Monroe
Morrison,
Morphey,
Osborn,

Smith of W.,
Smyth of C.,
Stapp,
Tannehill,
Thompson of F.,
Vance,
Watson,
Williams of R.

Hawkins,
Haymond,
Helmer,
Henricks,
Hood,
Hubbard,

Pabody,
Porter,
Richey,
Ristine,
Robbins
Sims,

Williams of W.,
Wines of G. & W
Wines of V., and
Mr. Speaker—41.

Those who voted in the negative, were

Messrs. Arnold,
Bennett,
Boon
Bryce,
Burns
Carleton,
Carr,
Chamberlain,
Champer
Cotton of P.,
Cotton of S.,
Ferguson
Ferris,
Garrison

Glenn,
Haddon,
Henley
Hocker
Howell,
Hurst,
Jackson,
Judah,
Lane,
Leviston,
Major
M'Clure
McCrillus,
Miller,

Milroy,
Owen,
Perine
Puckett,
Reeve,
Roe
Shook
Vandever,
Walpole,
Whitman
Williams of L.,
Wilson,
Wyman and
Zenor—42.

So said resolution was not laid upon the table.

When,

On motion of Mr. Vandever,

The resolution was amended by inserting after the words "gold and silver," the words, "or the paper of solvent specie paying banks."

And then said resolution was adopted.

On motion of Mr. Crume,

Resolved, That the Auditor of Public Accounts be requested to report to this House the amount paid into the Treasury by the present superintendents of the State Prison, on account of rent, the amount now due from them, and whether any authority is provided by law for prosecuting them for delinquency, and whether any proceedings have been taken against them on account of arrears of rent.

Mr. Henley presented the petition of John Douthett and others, on the subject of establishing lost corners and erroneous lines of surveys in Clark's Grant.

Which was referred to a select committee of Messrs. Henley, Hurst, Ferguson, Judah and Marshall.

Mr. Whitman offered the following resolution, which was decided in the negative.

Resolved, That the Board of Public Works be respectfully requested to inform the House what was the amount paid to the engineers, Sylvester,

Welch and Samuel Forrer, for examining the Jeffersonville and Crawfordsville road; also, how much of that road they did examine, and in what way, and how many days the said engineers were in the employ of the State.

And then the House adjourned.

2 o'clock, P. M.

The House met.

And proceeded to the consideration of the orders of the day.

Bills of the House,

No. 266. Authorizing Arthur McClure to build a bridge across the Grand Calumet river.

No. 261. To vacate the town of Grandview in Clinton county.

No. 90. To incorporate the Knightstown Canal Manufacturing and Trading Company.

No. 264. To authorize Mary Butler to convey certain real estate.

No. 112. To fill certain vacancies in commissions therein named.

No. 134. To incorporate the town of Indianapolis, in Marion county.

No. 113. To provide for the improvement of the Big St. Joseph River.

No. 108. To authorize the erection of a mill dam across the Wabash river.

No. 258. To legalize the acts of the trustees of the town of Putnamsville.

No. 295. To incorporate the Calumet Bridge Company.

No. 294. A joint resolution concerning the distribution of a portion of the revised laws of the present session.

No. 149. To authorize a review and survey for the extension of the Erie and Michigan Canal.

No. 290. To appropriate the three per cent. fund of Stark county.

No. 181. For the establishment of a horse boat ferry therein named, across the Wabash river at the town of Attica.

No. 289. To incorporate the Warsaw Manufacturing Company.

No. 203. To incorporate the Richmond and Brookville Canal Company.

No. 298. Authorizing the sale of certain lands in Dubois county.

Were severally read the third time and passed.

Ordered, That the clerk inform the Senate, and ask their concurrence therein.

No. 278. For the suppression of professional gambling.

Was read the third time,

When Mr. Champer moved that it be referred to a select committee, with instructions to strike out so much as relates to imprisonment at hard labor.

And the ayes and noes being requested thereon by Messrs. Jones and Murphey,

Those who voted in the affirmative were:

Messrs Burns,	Dowling,	Tannehill and
Champer	Hocker	Wines of V.—6.

Those who voted in the negative, were

Messrs. Arnold	Henley	Richey
Bennett	Henricks	Ristine
Berry	Herriman	Roe
Boon	Hood	Shook
Boyd	Howell	Sims
Bryce	Hubbard	Smith of W.
Carleton	Huston	Smydth of C.
Carr	Jackson	Stapp
Chamberlain	Jones	Thompson of A.
Cotton of P.	Judah	Thompson of F.
Cotton of S.	Kenton	Vance
Cox	Lane	Vandever
Crume,	Leviston	Walpole
Cunningham	Milroy	Watson
Davis	Monroe	Whitman
Ferris	Murphey	Williams of L.
Garrigus,	Noel	Williams of R.
Graham	Osborn	Williams of W.
Haddon	Pabody	Wyman
Hawkins	Perine,	Zenor and
Haymond	Porter	Mr. Speaker.—68.
Helmer	Reeve	

So said motion was decided in the negative.

When,

On motion of Mr. Crume,

Said bill was referred to a select committee of Messrs. Crume, Milroy and Jones.

Bills of the Senate,

No. 45, authorizing the construction of a bridge over White River on the Michigan road.

No. 58, to locate a State road in the county of Boone.

No. 112, a joint resolution for the benefit of the collector of Clark county for the year 1837.

No. 177, legalizing certain proceedings in relation to certain school lands in the county of Cass.

No. 43, to alter and define the boundary lines of Grant county.

No. 172, establishing Fire Companies.

No. 180, to authorize Azher Wilcox to erect a dam across the East Fork of White River in Lawrenceburgh.

Were severally read the third time and passed.

Ordered, That the Senate be informed thereof.

Bills on second reading of the House,

No. 296, for the relief of James Hatfield,

Was read the second time and referred to the committee on canals and internal improvement.

No. 279, to authorize the board of internal improvement to let water power in certain cases.

Was read the second time and referred to the same select committee to which other bills on the subject of water power were referred.

No. 293, a joint resolution relative to the purchase of Maps.

No. 286, to amend an act concerning the Seminary townships of land in Gibson and Monroe counties, approved January 27, 1827, approved February 8th, 1831.

No. 301, declaring Big Creek a public highway.

No. 302, to change the name of a town.

Of the Senate,

No. 140, a joint resolution for the benefit of the collector of Scott county for the year 1837.

No. 178, to provide for the security of the State House.

No. 109, authorizing and regulating arbitrations.

No. 227, relative to fugitives from labor.

No. 145, to amend an act organizing Circuit Courts and defining their powers and duties, approved January 24th, 1831.

No. 85, to authorize the vacation of towns.

Were severally read the second time,

And ordered to a third reading on Monday next.

Of the House.

No. 304, To legalize the sale of certain school lands in Orange county.

No. 310, a joint resolution for the relief of Burwell R. Stutt.

No. 307, supplemental to an act to locate a State road from Salem to Charlestown.

Of the Senate

No. 146, to prescribe the mode of authenticating copies from the records of the state board of internal improvements.

Were read the second and third times and passed.

Ordered, That the Clerk inform the Senate and ask their concurrence in said bills of the House.

No. 110, to locate certain state roads therein named.

Was read the second time and referred to the committee on roads.

Of the House.

No. 308, to provide for the further improvement of the Michigan road,

Was read the second time,

And referred to a select committee of Messrs. Hood, Eldridge, Milroy and Hocker.

Of the Senate.

No. 14, a joint resolution of the General Assembly of the State of Indiana, in reference to the specie circular,

Was read the second time.

When Mr. Bryce moved an amendment.

Whereupon Mr. Jones moved the previous question,

Which was seconded by a majority of the House.

And on the question shall the main question be now put,

It was decided in the affirmative.

Whereupon the main question was put, shall the joint resolution pass to the third reading.

And the ayes and noes being requested thereon by Messrs. Chamberlain and Howell.

Those who voted in the affirmative were:

Messrs. Bennett	Hocker	Robbins
Berry	Hood	Sims
Boon	Hubbard	Smith of W.
Boyd	Hurst	Smydth of C
Cotton of P.	Huston	Stapp
Cotton of S.	Jones	Thompson of A.
Cox	Kenton	Walpole
Cunningham	Lane	Watson
Dowling	Matlock	Williams of L.
Eldridge	Morrison	Williams of R.
Ferguson	Murphey	Williams W.
Hamel	Noel	Wilson
Hanna	Osborn	Wines of G & W
Hawkins	Porter	Wines of V.
Haymond	Reeve,	Zenor and
Helmer	Richey	Mr. Speaker 51
Henricks	Ristine	

Those who voted in the negative were:

Messrs. Arnold	Glenn,	Monroe
Bryce	Graham	Owen
Burns	Haddon	Perine
Carleton	Henley	Roe,
Carr	Herriman	Shook
Chamberlain	Howell	Tannehill
Crume	Judah	Thompson of F.
Davis	Leviston,	Vandever
Ferris	Major	Whitman and
Garrigus	Milroy	Wyman.—29

So said joint resolution passed to a third reading,

When Mr. Hubbard moved that the rule be suspended and the joint resolution read a third time now.

And the ayes and noes being requested thereon by Messrs. Crume and Herriman,

Those who voted in the affirmative, were

Messrs. Bennett	Henricks	Ristine
Berry	Hood	Robbins

Boyd	Hubbard	Sims
Champer	Hurst	Smith of W.
Cotton of P.	Jones	Smydth of C.
Cotton of S.	Kenton	Thompson of A.
Cox,	Lane	Walpole
Cunningham,	Matlock	Watson
Dowling	McClure	Williams of R.
Eldridge	McCrillus	Williams of W.
Ferguson	Morrison,	Wilson
Hanel	Murphey	Wines of G. & W
Hanna	Noel	Wines of V.
Hawkins	Pabody,	Zenor and
Haymond	Porter	Mr. Speaker—47.
Helmer	Reeve	

Those who voted in the negative, were

Messrs. Arnold	Haddon	Owen
Boon	Herriman	Perine
Bryce	Hocker	Richey
Burns	Howell	Roe
Carleton	Huston	Shook
Carr	Jackson	Tannehill
Crume	Judah	Thompson of F.
Davis	Leviston	Vandever
Ferris	Major	Whitman
Garrigus	Milroy	Williams of L.
Glenn,	Monroe	and Wyman—36.
Graham	Osborn	

So the rule was not suspended.

And the joint resolution passed to third reading on Monday next.

Of the Senate.

No. 30, a joint resolution on the subject of the State Bank,

Was read the second time and laid upon the table.

Mr. Crume made the following report:

MR. SPEAKER:

The select committee to whom was referred bill No. 278 of the House entitled "A bill to suppress professional gambling," have had the same under consideration, and directed me to report the same back to the House with one amendment, and request the concurrence of the House therein.

On motion, the House concurred in said amendment.

When the bill was read the third time,

And on the question shall the bill pass?

And the ayes and noes being requested thereon by Messrs. Jones and Graham.

Those who voted in the affirmative were

Messrs. Arnold,	Henley,	Porter,
Berry,	Henricks,	Reeve,
Boon,	Hood,	Ristine,
Bryce	Howell,	Robbins
Carleton	Hubbard,	Roe,
Carr,	Huston	Shook
Chamberlain,	Jackson,	Sims
Cotton of P.	Jones	Smith of W.
Cotton of S.,	Judah	Smydth of C.
Cox	Kenton,	Thompson of A.
Crume	Lane	Thompson of F.
Cunningham	Lee,	Vandever,
Davis,	Leviston,	Walpole,
Eldridge,	Major,	Watson,
Ferguson	M'Clure,	Whitman,
Ferris	M'Crillus	Williams of L.
Garrigus,	Milroy	Williams of R.
Graham,	Murphey,	Williams of W.
Haddon,	Monroe,	Wines of G. & W.
Hamel	Noel,	Wyman
Hanna,	Parody,	Zenorand
Hawkins	Perine	Mr. Speaker—65
Helmer,		

Those who voted in the negative, were

Messrs. Bennett,	Dowling	Morrison
Boyd,	Haymond	Osborn,
Burns,	Herriman,	Tannchill, and
Champer	Hocker,	Wines of V.—12.

So said bill passed.

Ordered, That the clerk inform the Senate, and ask their concurrence therein.

Mr. Walpole made the following report:

MR. SPEAKER:

The select committee to whom was referred the memorial of Stacy & Williams, book binders of Indianapolis in reference to the binding of the revised code of the present session of the General Assembly have according to order, had the same under consideration and have instructed me to report a joint resolution of the General Assembly,

No. 319, relative to binding the revised laws of 1838.

Which was read three times and passed.

Ordered, That the clerk inform the Senate, and ask their concurrence therein.

On motion of Mr. McCrillus,

Bill No. 18, to amend the act for opening and repairing roads and highways, approved Feb. 10, 1831, was taken from the table,

And read the third time and passed.

Ordered, That the clerk inform the Senate and ask their concurrence therein.

Mr. Crume from the committee on Canals and Internal Improvements to which was referred a bill of the House No. 76, to amend an act entitled an act to provide for a General System of Internal Improvements, approved Jan. 27, 1836, reported the same back with an amendment,

Which was concurred in.

On motion of Mr. Watson,

Said bill was further amended by adding the following.

SEC. This act shall embrace all cases wherein damages or compensation is claimed for timber, stone, or other material, heretofore taken for the use of the State, in the construction of her public works, as fully in all cases as those that may hereafter happen.

When said bill was ordered to a third reading on Monday next.

Mr. Carleton made the following report:

MR. SPEAKER:

The committee on Claims, to which was referred a joint resolution No. 313, for the benefit of the Collector of Fountain county for the year 1837, have directed me to report said joint resolution back to the House without amendment.

When said joint resolution was read the third time and passed.

Ordered, That the clerk inform the Senate and ask their concurrence therein.

Mr. Smydth of C. made the following report:

MR. SPEAKER:

The select committee to which was referred a petition from sundry citizens of Clay county, praying that an act be passed authorizing the board doing county business in said county, to pay certain individuals out of the

county treasury for services in apprehending horse thieves, have had the same under consideration, and direct me to report the following bill:

No. 322. Authorizing the Board of Commissioners of Clay county to do certain acts.

Which was read the first time and passed to a second reading on Monday next.

Mr. Henricks from the select committee to which was referred a bill No. 114, to incorporate the South Bend and Wesaw Canal Company, reported the same back without amendment.

When said bill was referred to the committee on Corporations.

Mr. Howell introduced a bill No. 319, to legalize the proceedings of the school commissioner of Spencer county.

Which was twice read and ordered to a third reading on Monday next.

Mr. Eldridge introduced a bill No. 320, to incorporate the Logansport Insurance Company;

Which was twice read and referred to the committee on Corporations.

Mr. Smith of W. introduced a joint resolution No. 321, to complete the survey of the White Water Canal.

Mr. Proffit introduced a joint resolution No. 323, relative to the public works.

Which were read the first time, and passed to a second reading on Monday next.

Mr. Robbins introduced a bill No. 324, to establish the location of the Central canal north of Indianapolis;

Which was read the first and second time, and referred to the committee on Canals and Internal Improvements.

Mr. Thompson of A. from the committee on Corporations, to which was referred a bill of the House No. 281, to incorporate the St. Joseph's bridge company, reported the same back with an amendment.

Which was concurred in, and the bill read the third time and passed.

Ordered, That the clerk inform the Senate and ask their concurrence therein.

Mr. Garrigus introduced a bill No. 325, in relation to the pay and mileage of members of the General Assembly,

Which was read the first time and passed to a second reading on Monday next.

On motion of Mr. Reeve,

Resolved, That the committee on Claims be directed to enquire into the propriety of allowing John Bell, collector of the county of Rush for the

year 1836, the sum of \$71 03 money over paid by him to the Treasurer of State for said year.

On motion of Mr. Crume,

Resolved, That the Auditor of Public Accounts be requested to lay before this House a succinct account of the condition of the Indianapolis Fund as exhibited by his books.

Mr. Graham from the joint committee on enrolled bills made the following report:

MR. SPEAKER:

The joint committee on Enrolled Bills report that they did this day compare the enrolled with the engrossed bills of the House

No. 105, an act to incorporate the Rockport and Steam Mill Manufacturing Company.

No. 122, an act relative to the County Library of Sullivan county.

No. 159, an act to authorize the election of an additional justice of the peace in Hendricks county.

No. 151, an act changing the name of Edinburgh in Franklin county.

No. 24, an act to incorporate the Morgan County Seminary.

No. 169, a joint resolution relative to the refuse lands on the Wabash river.

No. 177, an act to legalize the proceedings of the Board of Justices in the county of Decatur.

No. 231, an authorizing the election of an additional justice of the peace in Clinton township, Vermillion county.

No. 184, an act declaring Turman's creek a public highway.

No. 252, an act for the relief of James Sutfin.

No. 243, an act to provide for the payment of clerks employed by the Revising and Investigating Committees during the present session of the General Assembly and for other purposes.

No. 119, An act to locate a state road from Franklin in Wayne county to Huntingdon on the Wabash and Erie Canal.

No. 155, an act to change the name of the town of Carthage in Harrison county.

Also, enrolled bills of the Senate,

No. 156, an act for the relief of the owners of certain forfeited lands and town lots in Tippecanoe county.

No. 92, an act for the relief of Thomas P. Miller.

No. 99, an act to amend an act entitled, an act to incorporate the Buffalo and Mississippi Rail Road Company.

No. 51, an act to authorize the Treasurer of Dearborn county to pay over certain road tax in his hands.

No. 56, An act to enable the School Commissioner of Ripley county to do certain acts.

And find the same truly enrolled.

Whereupon the Speaker signed the same.

Ordered, That the clerk carry them to the Senate for the signature of their President.

And then the House adjourned until Monday morning half after 8 o'clock.

MONDAY MORNING, Feb, 5, 1838.

The House met pursuant to adjournment.

Mr. Perine moved that the vote on the passage of Bill No. 149, to authorize a review and resurvey for the extension of the Erie and Michigan Canal be reconsidered.

Mr. Haymond moved that the motion to reconsider be laid upon the table.

And the ayes and noes being requested thereon by Messrs. Perine and Thompson of A.

Those who voted in the affirmative, were

MESSRS. Berry,
Boyd

Hood
Hubbard

Pabody
Richey

Bryce
Carleton
Chamberlain
Champer
Cunningham
Davis
Eldridge
Hamel
Hawkins,
Haymond
Helmer
Henricks
Herriman

Huff,
Jones
Lane
Lee
Marshall
Matlock
McClure
Milroy
Monroe
Morrison
Noble
Noel
Osborn

Ristine
Robbins
Sims
Stapp
Tannehill
Thompson of A.
Thompson of F.
Vance
Wines of G. & W
Wines of V.
Wyman
Zenor and
Mr. Speaker—45.

Those who voted in the negative were,

Messrs. Arnold
Bennett
Boon
Brown
Burns
Carr
Cotton of P.
Cotton of S.
Cox
Crume
Dowling
Ferguson
Ferris
Garrigus
Glenn

Haddon
Hanna
Henley,
Hocker
Howell
Hurst
Jackson
Kenton
Leviston
Macy
Major
McCrillus,
Miller
Murphey
Owen

Perine
Porter
Puckett
Reeve
Roe
Shook
Smith of W.,
Smydth of C.
Vandeveer
Walpole
Watson
Whitman
Williams of L.
Williams of R. and
Wilson —46

So said motion was not laid upon the table.

The question then recurring on the reconsideration of the vote on the passage of the bill,

And the ayes and noes being requested thereon by Messrs. Henrick and McClure.

Those who voted in the affirmative, were

Messrs. Arnold
Bennett
Berry
Boon
Boyd
Brown
Carr
Cotton of S.
Cotton of P.
Cox

Henley
Hocker
Howell
Jackson
Kenton
Leviston
Macy
Major
McCrillus
Miller

Proffit
Pucket
Reeve
Richey
Roe
Smith of W.
Smydth of C
Vandeveer
Walpole
Watson

Crume,
Cunningham
Garrigus
Glenn
Haddon
Hanna

Monroe,
Morrison
Murpley
Osborn
Owen
Perine

Whitman
Williams of L.
Williams of R.
Wilson and
Zenor—47.

Those who voted in the negative, were

Messrs. Burns
Carleton
Chamberlain
Davis
Dowling
Eldridge
Ferris
Hamel
Hawkins
Haymond
Helmer
Henricks
Herriman

Hood
Hubbard
Jones
Lee
Marshall
McClure
Milroy
Noble
Noel
Pabody
Porter
Ristine
Robbins

Sims
Stapp
Tannehill
Thompson of A.
Thompson of F.
Vance
Williams of W.
Wines of G. and W.
Wines of V.
Wyman and
Mr. Speaker—38.

So said motion was reconsidered.

Mr. Perine moved,

That the bill be referred to the committee on canals and internal improvement, with instructions to amend the bill so as to authorize and direct the board of Internal improvement to cause a survey and estimate to be made of the Erie and Michigan Canal, from the summit level of said canal in Noble county, on the nearest and most practicable route to the Kankakee river or to the navigable waters thereof, so as to connect said canal, with a branch of the Illinois Canal at or near said river, as shall best promote the interest of the people of this State.

When,

On motion of Mr. Hamel,

Said bill was indefinitely postponed.

And then the House adjourned.

2 o'clock, P. M.

The House met.

Mr. Milroy introduced a bill No. 306, amendatory of the act entitled an act to provide for a general system of Internal Improvements, approved January 27, 1836.

Which was twice read,

And referred to a select committee of Messrs. Milroy, Stapp, Noel, Crume, Bennett, Thompson of A., Dowling and Owen.

Mr. Williams of W. offered the following resolution, which was referred to the same select committee.

Resolved, That with a view to the reduction of expenses in prosecuting the improvements of the State, a select committee be appointed to enquire into the propriety of making the following change in the character of the board of internal improvement, and if they think proper report a bill accordingly.

That in order that each section of the State may be represented in the board, in the decision of all important questions connected with the system, such as determining upon lettings &c. It is expedient that the Board as heretofore, shall consist of nine members, but that the number of acting commissioners shall not exceed five, to be appointed out of their own number, as they themselves may agree, the said acting commissioners to receive the sum of _____ dollars per year and no contingent expenses, and that the other members of the board shall receive the sum of _____ dollars per day during the time they may be necessarily employed in attending the meetings of the board, but no contingent expenses.

And that said select committee enquire into the expediency of directing the board of internal improvement to re-examine the organization of the engineer corps under employ in the state, as well as their rules and regulations heretofore adopted in relation to the pay of Engineers and other officers, and if said board shall find from such examination, that any agents or Engineers may be dispensed with, or that the salaries may with propriety be reduced, such changes or reductions to be made by said board of internal improvement.

The following message was received from the Senate by Mr. Test, their Secretary:

MR. SPEAKER:

The Senate insists on their first amendment to the resolution of the House of Representatives in relation to instructing the joint committee on revision to report a bill limiting the number of Fund Commissioners to two to be elected by joint ballot of the two Houses by striking out the words "joint ballot of the two Houses" and inserting joint *viva voce* vote of the two Houses of the General Assembly."

And Messrs. Thompson of L. and Clark are appointed a committee of free conference to take into consideration the disagreement of the two Houses.

Also the Senate has concurred in the amendment of the House to the bill of the Senate No. 9, entitled an act to incorporate the West Delphi Bridge Company, with an amendment in which the concurrence of the House is respectfully requested.

The Senate refuses to concur in the amendment of the House to the bill of the Senate No. 81, entitled an act regulating damages on protested bills of exchange.

Also, the Senate has passed engrossed bills of the House of Representatives entitled

No. 61, an act for the relief of Henry Matthews.

No. 92, an act to incorporate the Paoli Savings institution.

No. 124, an act relating to the acts of Householders in the county of Lake.

No. 191, an act for the relief of John Matthews.

No. 238, an act for the relief of Edward Hopkins.

No. 249, an act to amend an act entitled an act to amend the charter and define the powers and duties of the President and Trustees of the town of Evansville, approved February 8, 1836.

No. 281, an act for the relief of Dalzell Clark and Whitcomb, and C Clark and Company.

No. 283, an act for the relief of Asa Brown.

No. 285, an act regulating the interest of money.

Each without amendment.

Also the Senate has passed engrossed bills of the House of Representatives entitled

No 35, an act relative to the Vincennes University.

No. 82, act appropriating the three per cent. fund belonging to the county of Warren.

No. 292, an act appointing bridge and road commissioners in the counties of Spencer and Perry, and defining their powers and duties.

No. 297, an act to incorporate the Marion Guards.

No. 158, an act to incorporate the Harrison and Napoleon Turnpike Company.

No. 230, an act for the relief of John Bennett.

Each with amendments, in which the concurrence of the House is respectfully requested.

Also, the Senate has passed engrossed bills thereof entitled,

No. 48, an act to amend an act concerning enclosures and trespassing animals.

No. 105, an act to locate a state road in Vermillion county.

No. 115, an act to authorize Elijah Long and his wife to sell certain real estate therein named.

No. 188, an act for the relief of Wirts and Reinhard of the city of Louisville and State of Kentucky.

No. 190, an act to authorize the election of a justice of the peace in Yorktown.

No. 300, an attaching Canal Port to the town of Peterburgh in Pike county for corporation purposes.

No. 301, an act to provide for the election of a justice of the peace in the town of Middleton in Shelby county.

No. 303, an act to provide for making partial payments on canal and school lands.

No. 304, an act to incorporate the Baily Town and Chicago Turnpike company.

In all of which bills of the Senate, the concurrence of the House also is respectfully requested.

The House recede from disagreement to the amendment of the Senate to the resolution of the House named in the message.

The House concur in the amendments of the Senate to the amendment of the House to bill of Senate No. 9, named in the message.

And insist on their amendment to the bill of the Senate No. 81, named in the message.

And refuse to concur in the first and second amendment of the Senate to bill No. 35, named in the message, and agree to the third amendment to said bill.

The amendments made by the Senate to bills of the House No. 82, 292, 297, 158 and 230, named in the message, were concurred in.

Ordered, That the Senate be informed thereof.

No. 84, named in the message, was twice read and referred to the same committee of the whole, to which a bill of the House on the same subject was referred.

No. 105, named in the message, was twice read read and referred to the committee on roads.

Bills No. 155, 188, 190, 300, 301 and 303, named in the message, were severally read the first time and passed to a second reading on to-morrow.

No. 304, named in the message, was twice read and referred to the committee on Corporations.

Mr. Walpole introduced a bill No. 327, to construct a bridge over Buck creek in Hancock county, which was read the first time and passed to a second reading on to-morrow.

Mr. Glenn introduced a joint resolution No. 327, concerning the Erie and Michigan Canal, which was read the first time,

When Mr. Crume moved that said joint resolution be rejected,

Whereupon a call of the House was ordered,

When it appeared that Messrs. Henricks, Noble and Wilson were absent without leave.

And on the question to reject,

The ayes and noes being requested thereon by Messrs. Chamberlain and Herriman.

Those who voted in the affirmative were:

Messrs. Arnold	Hood	Proffit
Berry	Hubbard	Puckett
Boyd	Huff	Richey
Bryce	Huston	Ristine
Carleton	Jones	Robbins
Chamberlain	Judah	Sims
Champer	Lane	Smydth of C
Cox	Lee	Stapp
Crume	Macy	Thompson of A.
Cunningham	Marshall	Thompson of F.
Davis	Matlock	Tannehill
Dowling	McClure	Vance
Eldridge	Monroe	Vandever
Graham	Morrison	Watson
Hamel	Murphey	Whitman
Hanna	Noble	Williams of L.
Hawkins	Osborn	Wines of G & W
Haymond	Owen	Wines of V.
Helmer	Paboby	Wyman and
Herriman	Perine	Mr. Speaker—59.

Those who voted in the negative were:

Messrs. Bennett	Haddon	Porter
Brown	Hocker	Reeve,
Burns	Howell	Roe,
Carr	Hurst	Smith of W.
Cotton of P.	Jackson	Walpole

Cotton of S.
 Ferguson
 Ferris
 Garrigus
 Glenn,

Kenton
 Leviston,
 McCrillus
 Miller
 Noel

Williams of R.
 Williams W.
 Wilson and
 Zenor
 —29.

So said joint resolution was rejected.

Mr. Williams of L. offered the following resolution:

Resolved, That this House will, during the present session, when it adjourns at 12, adjourn until half after 1 o'clock.

Mr. Smith of W. moved to amend said resolution by adding thereto:

"That the House of Representatives will, from and after this date, employ the necessary assistance to the clerks, and hold evening sessions for the purpose of advancing the revision of the laws and other important business, convening each night at half past six o'clock.

On motion, said resolution and amendment were laid upon the table.

Mr. Champer offered the following resolution:

Resolved, That this House will, at 2 o'clock, during the remainder of the session, take up the revision of the laws.

Mr. Bryce moved that the resolution be laid upon the table.

And the ayes and noes being requested thereon by Messrs. Walpole and Smydth of C.

Those who voted in the affirmative were:

Messrs. Boyd
 Bryce
 Chamberlain
 Cotton of P.
 Davis
 Dowling
 Ferris
 Garrigus
 Glenn
 Hamel
 Henley

Henricks,
 Herriman
 Hood
 Huff
 Hurst
 Jones
 Judah
 Major,
 Matlock
 M'Clure
 Milroy,

Monroe
 Owen
 Perine,
 Proffit
 Shook,
 Whitman
 Wilson
 Wines of V.
 Wyman and
 and Zenor—32.

Those who voted in the negative, were

Messrs. Arnold
 Bennett
 Berry
 Boon
 Brown
 Burns
 Carleton

Hocker
 Howell
 Hubbard
 Huston
 Jackson
 Kenton
 Lane

Reeve
 Richey
 Ristino
 Robbins,
 Roe
 Sims
 Smith of W.

Carr	Lee	Smydth of C.
Champer	Leviston	Tannehill
Cotton of S.	Macy,	Thompson of A.,
Cox	Marshall	Thompson of F.
Crume	McCrillus	Vance
Cunningham	Miller	Vandever
Eldridge	Morrison	Walpole
Ferguson	Murphey	Watson
Graham	Noble	Williams of L,
Haddon	Noel	Williams of R.
Hanna	Osborn	Williams of W
Hawkins	Porter	Wines of G. & W.
Haymond	Pucket	and Mr. Speaker—61.
Helmer		

So said resolution was not laid upon the table.

Mr. Noble moved the following amendment:

“That this House will spend the remainder of the week in the revision of the laws.”

Mr. Crume moved to amend by inserting after the word “will,” the words “after Wednesday next, which was accepted by Mr. Noble as a modification.

When the amendment was accepted by Mr. Champer as a modification of the original resolution.

Mr. Cox moved the previous question,

Which was seconded by a majority of the House.

And on the question, shall the main question be now put,

It was decided in the affirmative.

And thereupon the main question was put,

Shall the resolution be adopted,

And was decided in the affirmative.

On motion of Mr. Miller,

The previous orders of the day were suspended generally, that members have leave to introduce new business.

Mr. Miller introduced a bill No. 328, to legalize the conveyance of lot No. 1 in Princeton, Gibson county, to the Board of trustees of the Gibson County Seminary.

Mr. McCrillus introduced a bill No. 331, to authorize the election of trustees of the county library of Dubois county.

Mr. Thompson of A. introduced a bill No. 332, to authorize the exchange of ground between the State and William Rockhill.

Mr. Miller introduced a bill No. to amend an act entitled an act for the relief of David Miburn, approved February 4, 1837.

Mr. Boyd introduced a bill No. 336, for the relief of sundry citizens of Greene county, and for other purposes.

Which were severally read three times and passed.

Ordered, That the clerk inform the Senate, and ask their concurrence therein.

Mr. Vandever introduced a bill No. 329, to locate a State road in Orange and Washington counties.

Mr. Boyd introduced a bill No. 335, to re-locate a part of a State road in the county of Greene.

Mr. Wines of V. introduced a bill No. 338, to locate a State road in Vigo county:

Which were twice read and referred to the committee on Roads.

Mr. Hood introduced a bill No. 330, to incorporate the Peru and Rochester turnpike company.

Which was twice read and referred to the committee on Corporations.

Mr. Matlock introduced a bill No. 333, in relation to the Lafayette and Madison rail road.

Which was read the first time,

When, on motion of Mr. Garrigus, said bill was rejected.

Mr. Crume introduced a bill No. 334, directing the treasurer of State to pay certain monies,

Which was read the first time and passed to a second reading on to-morrow.

Mr. Jones introduced a bill No. 340, to amend an act entitled an act to provide for a General System of Internal Improvement, approved January 27, 1836.

Which was twice read and ordered to a third reading on to-morrow.

Mr. Hamel from the select committee on that subject reported a bill No. 341, to change the provisions of an act entitled an act to regulate the mode of doing county business, approved January 19, 1831, in the county of Porter.

Which was read the first time, and passed to a second reading on to-morrow.

Mr. Burns introduced a bill No. 339, relating to taverns and tavern keepers.

Which was read the first time, and passed to a second reading on to-morrow.

Mr. Haddon made the following report:

MR. SPEAKER:

The select committee to which was referred the petition of sundry citizens of Sullivan county, praying a re-location of a part of the State road leading from Carlisle to Vincennes, and to which was also referred the remonstrance of sundry citizens of Knox and Sullivan counties against such re-location, have had the same under consideration, and have directed me to report that in their opinion it is inexpedient to legislate on the subject, and beg leave to be discharged from further consideration thereof.

On motion, the report was concurred in, and the committee discharged.

Mr. Champer made the following report.

MR SPEAKER:

The committee on Corporations, to which was referred bill No. 113 of the Senate, to incorporate the Westfield Steam Mill and Manufacturing Company, have considered the same, and directed me to report it back without amendment,

When said bill was ordered to a third reading on to-morrow.

And then the House adjourned until to-morrow morning half past 8 o'clock.

TUESDAY MORNING, FEBRUARY 6, 1838.

The House met pursuant to adjournment.

Mr. Judah moved to take from the table bill of the House No. 106, to confirm the State Bank of Indiana in its franchises.

Mr. Jones moved to amend the motion to strike out bill of the House and insert "joint resolution of the Senate No. relative to the State Bank."

And the ayes and noes being requested thereon by Messrs. Kenton and Robbins.

Those who voted in the affirmative, were

Messrs. Bennett,	Hood,	Puckett,
Berry	Howell,	Reeve,
Boon	Hubbard,	Richey,
Cotton of P.,	Huff	Ristine,
Cotton of S.,	Jones	Robbins
Cox	Kenton,	Sims,
Cunningham	Lane,	Smith of W.,
Dowling,	Lee,	Stapp,
Eldridge	Leviston,	Tannehill,
Ferguson	Marshall	Thompson of A
Hamel,	Matlock	Vance,
Hanna,	M'Clure	Watson,
Hawkins,	Morrison	Williams of R.
Haymond,	Noble	Williams of W.,
Helmer,	Noel,	Wines of G. & W
Henricks,	Pabody,	Wines of V., and
Hocker	Porter,	Mr. Speaker—51.

Those who voted in the negative, were

Messrs. Arnold,	Haddon,	Owen,
Boyd,	Henley	Peaslee
Bryce,	Herriman,	Perine
Brown	Hurst,	Proffit
Burns	Huston	Roe
Carleton,	Jackson,	Smydth of C.,
Carr,	Judah,	Thompson of F.,
Chamberlain,	Major	Vandever,
Champer	McCrillus,	Walpole,
Crume	Miller,	Whitman
Davis,	Milroy,	Williams of L.,
Ferris,	Monroe	Wilson,
Garrigus	Murphey,	Wyman and
Glenn,	Nickel	Zenor—44.
Gregory	Osborn,	

The vote having been taken, but before the result was announced Messrs. Howell, McCrillus and Morrison came in and asked leave to have their votes recorded, which leave was granted.

So said motion to amend was decided in the affirmative.

And then the motion as amended was decided in the affirmative and the joint resolution was taken up.

Mr. Perine moved to amend said joint resolution by inserting in the proper place, "That when any corporation or citizen of this State, hav-

ing the means to discharge their debts, shall at pleasure suspend the payment thereof."

When Mr. Kenton moved the previous question,

Which was seconded by a majority of the House.

When Mr. Proffit moved to lay the Joint Resolution and pending amendment upon the table.

And the ayes and noes being requested thereon by Messrs. Proffit and Jones,

Those who voted in the affirmative were:

Messrs. Arnold	Hurst,	Owen
Boon	Huston	Peaslee
Bryce	Jackson	Perine,
Brown,	Judah	Proffit
Burns,	Lane	Richey
Carr	Lee	Tannehill
Chamberlain	Leviston	Thompson of F.
Crume,	Major	Vandever
Davis	McCrillius	Walpole
Ferris	Miller	Whitman
Garrigus,	Milroy	Williams of L.
Gregory	Monroe	Wyman and
Haddon	Murphey	Zenor—41.
Herriman	Nickel	

Those who voted in the negative, were

Messrs Bennett	Henley	Puckett
Berry	Henricks	Reeve
Boyd	Hocker	Ristine
Carleton	Hood	Robbins
Champer	Howell	Roe
Cotton of P.	Hubbard	Sims
Cotton of S.	Huff	Smith of W.
Cox	Jones	Smydth of C.
Cunningham	Kenton	Stapp
Dowling,	Macy	Thompson of A.
Eldridge	Marshall,	Vance
Ferguson	Matlock	Watson
Glenn	M'Clure	Williams of R.
Graham	Morrison,	Williams of W.
Hamel,	Noble	Wilson
Hanna	Noel	Wines of G. & W.
Hawkins	Osborn	Wines of V. and
Haymond	Pabody	Mr. Speaker.—56.
Helmer	Porter	

So said motion was decided in the negative.

And on the question shall the main question be now put?

And the ayes and noes being requested thereon by Messrs. Crume and Proffit.

Those who voted in the affirmative were

Messrs. Bennett,	Henley,	Pabody,
Boyd,	Henricks,	Porter,
Carleton	Hocker,	Puckett
Champer	Hood,	Reeve,
Cotton of P.	Howell,	Ristine,
Cotton of S.,	Hubbard,	Robbins
Cox	Huff	Sims
Cunningham	Jones	Smith of W.
Dowling	Kenton,	Thompson of A.
Eldridge,	Leviston,	Vance,
Ferguson	Macy	Watson,
Graham,	Marshall	Williams of R.
Hamel	Matlo k,	Williams of W.
Hanna,	M'Clure,	Wines of G. & W.
Hawkins	Morrison	Wines of V. and
Haymond	Noble	Mr. Speaker—50
Helmer,	Noel,	

Those who voted in the negative, were

Messrs. Arnold,	Hurst,	Perine
Berry,	Huston	Proffitt,
Boon,	Jackson,	Richey
Bryce	Judah	Roe,
Brown	Lane	Shook
Burns,	Lee,	Smydth of C.
Carr,	Major,	Stapp
Chamberlain,	M'Crillus	Tannehill
Crume	Miller,	Thompson of F.
Davis,	Milroy	Vandever,
Ferris	Monroe,	Walpole,
Garrigus,	Murphey,	Whitman,
Glenn	Nickel	Williams of L.
Gregory	Osborn,	Wilson
Haddon,	Owen,	Wyman and
Herriman	Peaslee,	Zenor—48.

So said question was decided in the affirmative.

Whereupon the main question was put,

Shall the joint resolution pass to a third reading?

And the ayes and noes being requested thereon by Messrs. Proffitt and Judah,

Those who voted in the affirmative, were

Messrs. Bennett	Henricks	Porter
Berry	Hocker	Puckett

Boyd	Hood	Reeve
Cotton of P.	Howell	Ristino
Cotton of S.	Hubbard	Robbins
Cox,	Huff	Sims
Cunningham,	Jones	Smith of W.
Dowling	Kenton	Stapp
Eldridge	Macy	Thompson of A
Ferguson	Marshall,	Vance
Graham	Matlock	Watson
Hanel	McClure	Williams of R.
Hanna	Morrison,	Williams of W.
Hawkins	Noble	Wines of G. & W
Haymond	Noel	Wines of V. and
Helmer	Pabody,	Mr. Speaker—43.

Those who voted in the negative, were

Messrs. Arnold	Herriman	Peaslee,
Boon	Hurst	Perine
Bryce	Huston	Proffit
Brown	Jackson	Richey
Burns	Judah	Roe
Carleton	Lane	Shook
Carr	Lee	Smydth of C.
Chamberlain	Leviston	Tannehill
Champer	Major	Thompson of F.
Crume	McCrillus	Vandever
Davis	Miller	Walpole
Ferris	Milroy	Whitman
Garrigus	Monroe	Williams of L.
Glenn,	Murphey	Wilson
Gregory	Nickel	and Wyman
Haddon	Osborn	Zenor—50.
Henley	Owen	

So said joint resolution was lost.

Mr. Proffit moved to take from the table Bill of the House No. 116, to confirm the State Bank of Indiana in its franchises.

And before any decision thereon the House adjourned.

2 o'clock, P. M.

The House met,

Mr. Wilson moved that the previous orders of the day be suspended, that he have an opportunity to move a reconsideration of the vote on passing to a third reading, the joint resolution of the Senate No. 30, on the subject of the State Bank.

On the motion to suspend the previous orders.

The ayes and noes being requested thereon by Messrs. Proffit and Walpole,

Those who voted in the affirmative, were

Messrs. Bennett	Hubbard	Richey
Berry	Huff	Ristine
Carleton	Jones	Robbins
Cotton of P.	Kenton	Sims
Cotton of S.	Lane	Smith of W.
Cox	Lee	Smydth of C
Cunningham	Macy	Stapp
Dowling	Marshall	Tannehill
Eldridge	Matlock	Thompson of A.
Ferguson,	McClure	Vance
Graham	McCrillus	Watson
Hamel	Morrison	Williams of R
Hawkins	Noble	Williams of W
Haymond	Noel	Wilson
Helmer	Pabody	Wines of G. and W
Henricks	Porter	Wines of V.
Hocker	Pucket	Wyman and
Hood	Reeve	Mr. Speaker—55.
Howell		

Those who voted in the negative, were

Messrs. Arnold	Haddon	Nickel,
Boon	Hanna	Noel
Boyd	Henley	Owen
Bryce,	Herriman	Peaslee
Brown	Hurst	Perine
Burns	Huston	Proffit
Carr	Jackson	Roe
Chamberlain	Judah	Shook
Crume,	Leviston	Thompson of F
Davis	Major	Vandever
Ferris	Miller	Walpole
Garrigus	Milroy	Whitman
Glenn	Monroe,	Williams of L. and
Gregory,	Murphey	Wyman—41.

So the previous orders of the day were suspended.

When Mr. Wilson moved that the vote on passing said joint resolution to a third reading be reconsidered.

And the ayes and noes being requested thereon by Messrs. Judah and Proffitt,

Those who voted in the affirmative, were

Messrs. Bennett	Hubbard	Richey
Berry,	Huff,	Ristine

Carleton
Cotton of P.
Cotton of S.
Cox
Cunningham
Dowling
Eldridge
Ferguson
Graham
Hamel
Hawkins,
Haymond
Helmer
Henricks
Hocker
Hood
Howell

Jones
Kenton
Lane
Lee
Macy
Marshall
Matlock
McClure
McCrillus,
Morrison
Noble
Noel
Osborn
Pabody
Porter
Puckett
Reeve

Robbins
Sims
Smith of W.,
Smydth of C.
Stapp
Tannehill
Thompson of A.
Vance
Watson
Williams of R.
Williams of W.
Wilson—46
Wines of G. & W
Wines of V.
Zenor and
Mr. Speaker—56.

Those who voted in the negative were,

Messrs. Arnold
Boon
Bord
Bryce
Brown
Burns
Carr
Chamberlain
Crume
Davis
Ferris
Garrigus
Glenn
Gregory,

Haddon
Hanna
Henley,
Herriman
Hurst
Huston
Jackson
Judah,
Leviston
Major
Miller
Milroy
Monroe
Murphey

Nickel
Owen
Peaslee
Perine
Proffitt
Roe
Shook
Thompson of F.
Vandever
Walpole
Whitman
Williams of L. and
Wyman—41.

So said vote was reconsidered.

When Mr. Vandever moved to amend by adding the following:

“Be it further resolved that the State Bank and every Branch thereof shall redeem their five dollar notes in specie on the same being presented at their counter, where the same is made payable, from and after the publication of this joint resolution in the Indiana Journal and Indiana Democrat.”

And the ayes and noes being requested thereon by Messrs. Vandever and Crume,

Those who voted in the affirmative were:

Messrs. Arnold
Berry
Boon
Boyd

Haddon
Henley
Herriman
Huston

Monroe
Nickel
Peaslee
Perine

Brown	Jackson	Proffit
Burns	Judah	Roe,
Carr	Leviston,	Vandever
Chamberlain	Major	Walpole
Garrigus	Miller	Whitman and
Glenn,	Milroy	Williams of L.--30.

Those who voted in the negative were:

Messrs. Bennett	Howell	Reeve,
Bryce	Hubbard	Richey
Carleton	Huff	Ristine
Champer	Hurst	Robbins
Cotton of P.	Jones	Shook
Cotton of S.	Kenton	Sims
Cox	Lane	Smith of W.
Crume	Lee	Smydth of C
Cunningham	Macy	Stapp
Davis	Marshall	Tannehill
Dowling	Matlock	Thompson of A.
Ferguson	McClure	Thompson of F.
Ferris	McCrillus	Vance
Graham	Morrison	Watson
Gregory	Murphey	Williams of R.
Hamel	Noble	Williams W.
Hanna	Noel	Wilson
Hawkins	Osborn	Wines of G & W
Haymond	Owen	Wines of V.
Helmer	Paboby	Wyman
Henricks	Porter	Zenor and
Hocker	Puckett	Mr. Speaker—67.
Hood		

So said amendment was not adopted.

Mr. Wilson moved the following amendment to the first resolution:

After the words "necessary" insert "under the then existing circumstances."

When Mr Vandever moved that the resolution be referred to a select committee.

Which was decided in the negative.

Mr. Proffit moved to amend the amendment by adding "that such circumstances shall not hereafter be taken as a precedent."

Which was decided in the negative.

When the amendment offered by Mr. Wilson was adopted.

Mr. Zenor moved to amend said joint resolution by adding the following:

Resolved, That the Governor of the State may at any earlier day compel the Bank to resume specie payment, within thirty days after he issues his proclamation for that purpose."

Mr. Vandever moved to strike out of said amendment the word "may" and insert "shall."

And the ayes and noes being requested thereon by Messrs. Vandever and Herriman,

Those who voted in the affirmative were :

Messrs. Arnold	Glenn	Milroy,
Foyd	Haddon	Monroe
Brown	Jackson	Vandever
Chamberlain	Judah	Walpole and
Davis	Major,	Whitman—17.
Garrigus	Miller	

Those who voted in the negative, were

Messrs. Bennett	Hocker	Proffit
Berry	Hood	Pucket
Boon	Howell	Reeve
Eryce	Hubbard	Richey
Burns	Huff	Ristine
Carleton	Hurst	Robbins,
Carr	Huston	Roe
Champer	Jones	Shook,
Cotton of P.	Kenton	Sims
Cotton of S.	Lane	Smith of W.
Cox	Lee	Smydth of C.
Crume	Leviston	Stapp,
Cunningham	Macy,	Tannehill
Dowling	Marshall	Thompson of A.,
Eldridge	Matlock	Thompson of F.
Ferguson	M'Clure	Vanee
Ferris	McCrillus	Watson
Graham	Morrison	Williams of L.
Gregory	Murphey	Williams of R.
Hamel	Nickel	Williams of W
Hanna	Noble	Wilson
Hawkins	Noel	Wines of G. & W.
Haymond	Osborn	Wines of V.
Helmer	Owen	Wyman
Henricks,	Perine,	Zenor and
Herriman		Mr, Speaker—76.

So said amendment was not adopted.

Mr. Miller moved that said joint resolution be referred to a select committee.

When Mr. Proffitt moved that the committee be instructed to amend the joint resolution as follows:

Resolved, That it is manifest to this General Assembly, that from cupidity or ignorance, gross abuses have been practised by several of the Branches of the State Bank of Indiana.

Resolved, That the spirit of the charter of said bank has been violated and the letter of said charter avoided by means unworthy and abusive of the confidence manifested by the people of the State in granting said charter.

Resolved, That this General Assembly recommend to the State Bank Directory and to the Directory of the several Branches, an upright, honorable conduct and bearing, or if this is incompatible with the interest of the institution, that said directory so conceal their misdoings as to prevent an open manifestation of it to the world.

Whereupon a division of the question was called for.

And on the question to commit,

And the ayes and noes being requested thereon by Messrs. Miller and Proffitt,

Those who voted in the affirmative, were

Messrs. Arnold,	Haddon,	Owen,
Eoon	Henley	Peaslee
Boyd,	Herriman,	Perine
Bryce,	Hurst	Proffitt
Brown	Jackson,	Shook
Burns	Judah,	Thompson of F.,
Carr,	Leviston,	Vandever,
Chamberlain,	Major	Walpole,
Crume	Miller,	Whitman
Davis,	Milroy,	Williams of L.,
Garrigus	Monroe	and Wyman —35.
Glenn,	Nickel	

Those who voted in the negative, were

Messrs. Bennett,	Hood,	Puckett,
Berry	Howell,	Reeve,
Carleton,	Hubbard,	Richey,
Champer	Huff	Ristine,
Cotton of P.,	Huston	Robbins
Cotton of S.,	Jones	Sims,
Cox	Kenton,	Smith of W.,
Cunningham	Lane,	Smyth of C.,
Dowling,	Lee,	Stapp,
Eldridge	Macy	Tannehill,
Ferguson	Marshall	Thompson of A

Ferris,
Graham,
Gregory
Hamel,
Hanna,
Hawkins,
Haymond,
Helmer,
Henricks,
Hocker

Matlock
M'Clure
McCrillus,
Morrison
Murphey,
Noble
Noel,
Osborn,
Pabody,
Porter,

Vance,
Watson,
Williams of R.
Williams of W.,
Wilson,
Wines of G. & W
Wines of V.,
Zenor and
Mr. Speaker—62.

So said motion was decided in the negative,

Mr. Perine moved to amend by adding:

That the State Bank shall commence paying specie on its five dollar notes to the amount of fifty thousand dollars in proportion to the amount of the capital of each branch.

And the ayes and noes being requested thereon by Messrs. Perine and Vandever,

Those who voted in the affirmative were:

Messrs. Arnold
Berry
Boon
Boyd
Bryce
Brown,
Burns,
Carr
Chamberlain
Davis
Garrigus,

Glenn
Haddon
Henley
Herriman
Huston
Jackson
Judah
Leviston
Major
McCrillus
Miller

Milroy
Monroe
Nickel
Peaslee
Perine,
Proffit
Roe
Vandever
Walpole
Whitman and
Williams of L.—41.

Those who voted in the negative, were

Messrs Bennett
Carleton
Champer
Cotton of P.
Cotton of S.
Cox
Crume,
Cunningham
Dowling,
Eldridge
Ferguson
Ferris
Graham
Gregory
Hamel,
Hanna
Hawkins

Howell
Hubbard
Huff
Hurst,
Jones
Kenton
Lane
Lee
Macy
Marshall,
Matlock
M'Clure
Morrison,
Murphey
Noble
Noel
Osborn

Richey
Ristine
Robbins
Shook
Sims
Smith of W.
Smydth of C.
Stapp
Tannehill
Thompson of A.
Thompson of F.
Vance
Watson
Williams of R.
Williams of W.
Wilson
Wines of G. & W.

Haymond
Helmer
Henricks
Hocker
Hood

Owen
Pabody
Porter
Puckett
Reeve

Wines of V.
Wyman
Zenor; and
Mr. Speaker.—66.

So said amendment was lost.

Mr. Miller moved the following amendment:

That in the event of the Banks again suspending specie payments all their notes in circulation at the time of suspensions or of a previous date shall draw twelve per centum per annum interest from the time of suspension until the time they shall resume specie payment. And if one or more branches only should suspend specie payments, the notes of such branch or branches so suspending shall be subject to draw similar interest.

When Mr. Wines of V. moved the previous question.

Whereupon Mr. Proffit moved that the joint resolution and pending amendment be laid upon the table.

And the ayes and noes being requested thereon by Messrs. Proffit and Perine,

Those who voted in the affirmative were:

Messrs. Arnold
Boyd
Bryce
Brown
Burns
Carr
Chamberlain
Crume
Ferris
Garrigus
Glenn
Haddon

Henley
Herriman
Jackson
Judah
Leviston
Major
Miller
Milroy
Monroe
Nickel
Owen

Peaslee
Perine
Proffit
Roe
Shook
Thompson of F.
Vandever
Walpole
Whitman
Williams of L. and
Wyman—30.

Those who voted in the negative, were

Messrs. Bennett
Berry
Carleton
Champer
Cotton of P.
Cotton of S.
Cox

Hood
Howell
Hubbard
Huff
Huston
Jones
Kenton

Reeve
Reeve
Richey
Ristine
Robbins
Sims
Smith of W,

Cunningham	Lane	Smydth of C.
Davis	Lee	Stapp
Dowling	Macy	Tannehill
Eldridge	Marshall	Thompsog of A.
Ferguson	McClure	Watson
Graham	McCrillus	Williams of R.
Gregory	Morrison	Williams of W.
Hamel	Murphey	Wilson
Hanna	Noble	Wines of G. & W.
Hawkins	Noel	Wines of V.
Haymond	Osborn	Zenor and
Helmer	Pabovy	Mr. Speaker—62.
Henricks	Porter	
Hocker	Puckett	

So said resolution was not laid upon the table.

The question then recurring on the previous question,

It was seconded by a majority of the House.

And on the question, shall the main question be now put,

It was decided in the affirmative.

Whereupon the main question was put,

Shall the joint resolution pass to a third read.

And the ayes and noes being requested thereon by Messrs. Chamberlain and Profit,

Those who voted in the affirmative, were

Messrs. Bennett	Hood	Reeve
Berry	Howell	Richey
Carleton	Hubbard	Ristine
Champer	Huff	Robbins
Cotton of P.	Jones	Shook
Cotton of S.	Kenton	Sims
Cox	Lane	Smith of W.
Cunningham	Lee	Smydth of C.
Dowling	Macy	Stapp
Eldridge	Marshall	Tannehill
Perguson	Matlock	Thompson of A.
Ferris	McClure	Vance
Graham	McCrillus	Watson
Gregory	Morrison	Whitman
Hamel	Murphey	Williams of R.
Hanna	Noble	Williams of W.
Hawkins	Noel	Wilson

Haymond
Helmer
Henricks
Hocker

Osborn
Pabody
Porter
Puckett

Wines of G. & W.
Wines of V.
Zenor and
Mr. Speaker—63.

Those who voted in the negative, were

Mesirs. Arnold
Boon
Boyd
Bryce
Brown
Burns
Carr
Chamberlain
Crume
Davis
Garrigus
Glenn

Haddon
Henley
Herriman
Huston
Jackson
Judah
Leviston
Major
Miller
Milroy
Monroe

Nickel
Owen
Peaslee
Perine
Proffit
Roe
Thompson of F.
Vandever
Walpole
Williams of L. &
Wyman—33.

So said joint resolution was ordered to a third reading.

Whereupon Mr. Jones moved that the rule be suspended, and the joint resolution read a third time now,

And the ayes and noes being requested thereon by Messrs. Chamberlain and Walpole,

Those who voted in the affirmative, were

Messrs. Bennett
Berry
Carleton
Champer
Cotton of P.
Cotton of S.
Cox
Cunningham
Dowling
Eldridge
Ferguson
Graham
Gregory
Hamel
Hanna
Hawkins
Haymond
Helmer
Henley
Henricks

Hocker
Hood
Howell
Hubbard
Huff
Jones
Kenton
Lee
Macy
Marshall
McClure
McCrillus
Morrison
Murphey
Noble
Noel
Osborn
Pabody
Porter
Puckett

Reeve
Richey
Ristine
Robbins
Sims
Smith of W.
Smydth of C.
Stapp
Tannehill
Thompson of A.
Vance
Watson
Williams of R.
Williams of W.
Wilson
Wines of G. & W.
Wines of V.
Zenor and
Mr. Speaker—58.

Those who voted in the negative, were

Messrs. Arnold	Haddon	Owen
Boyd	Herriman	Peaslee
Bryce	Huston	Perine
Brown	Jackson	Proffitt
Burns	Judah	Roe
Carr	Lane	Shook
Chamberlain	Leviston	Thompson of F.
Crume	Major	Vandever
Davis	Miller	Walpole
Ferris	Milroy	Whiman and
Garrigus	Monroe	Williams of L.—35
Glenn	Nickel	

So said motion was decided in the affirmative.

When said joint resolution was read the third time,

Whereupon,

Mr. Vandever moved to commit the resolution with instructions to strike out that part which relates to a general resumption of specie payment by the banks in the eastern citizens.

When Mr. Jones moved the previous question.

Which was seconded by a majority of the House.

Whereupon Mr. Proffitt moved that the joint resolution be laid upon the table.

And the ayes and noes being requested thereon by Messrs. Proffitt and Herriman.

Those who voted in the affirmative, were

Mersrs. Arnold	Glenn	Peaslee
Boon	Haddon	Perine
Boyd	Herriman	Proffitt
Bryce	Jackson	Roe
Brown	Judah	Shook
Burns	Leviston	Thompson of F.
Carr	Major	Vandever
Chamberlain	Miller	Walpole
Crume	Milroy	Whitman
Davis	Monroe	Williams of L. and
Ferris	Nickel	Wyman.—35.
Garrigus	Owen	

Those who voted in the negative, were

Messrs. Bennett	Hood	Porter
Berry	Howell	Puckett
Carleton	Hubbard	Reeve
Champer	Huff	Richey
Cotton of P.	Hurst	Ristine
Cotton of S.	Huston	Robbins
Cox	Jones	Sims
Cunningham	Kenton	Smith of W.
Dowling	Lane	Smydth of C.
Eldridge	Lee	Stapp
Ferguson	Macy	Tannehill
Graham	Marshall	Thompson of A.
Gregory	Matlock	Vance
Hamel	McClure	Watson
Hanna	McCrillus	Williams of R.
Hawkins	Morrison	Williams of W.
Haymond	Murphey	Wilson
Helmer	Noble	Wines of G. & W.
Henley	Noel	Wines of V.
Henricks	Osborn	Zenor and
Hocker	Pabody	Mr. Speaker—62.

So said motion to lay on the table was decided in the negative.

And on the question shall the main question be now put it was decided in the affirmative.

And thereupon the main question was put, shall the joint resolution pass.

And the ayes and noes being requested by Messrs. Vandever and Dowling,

Those who voted in the affirmative, were

Messrs. Bennett	Hood	Reeve
Berry	Howel	Richey
Carleton	Hubbard	Ristine
Carr	Huff	Robbins
Champer	Jones	Roe
Cotton of P.	Kenton	Sims
Cotton of S.	Lane	Smith of W.
Cox	Lee	Smydth of C.
Cunningham	Macy	Stapp
Dowling	Marshall	Tannehill

Eldridge	Matlock	Thompson of A.
Ferguson	McClure	Vance
Graham	McCrillus	Watson
Gregory	Morrison	Williams of R.
Hamel	Murphey	Williams of W.
Hanna	Noble	Wilson
Hawkins	Noel	Wines of G. & W.
Haymond	Osborn	Wines of V.
Helmer	Pabody	Zenor and
Henricks	Porter	Mr. Speaker.—52.
Hocker	Pucket	

Those who voted in the negative, were

Messrs. Arnold	Haddon	Nickol
Boon	Henley	Owen
Boyd	Herryman	Peaslee
Bryce	Hurst	Perine
Brown	Huston	Proffitt
Burns	Jackson	Shook
Chamberlain	Judah	Thompson of F.
Crume	Leviston	Vandever
Davis	Major	Walpole
Ferris	Miller	Williams of L. &
Garrigus	Milroy	Wyman.—35
Glenn	Monroe	

So said joint resolution passed.

Ordered, That the Clerk inform the Senate and ask their concurrence in the amendments of the House.

Mr. Graham from the joint committee on enrolled bills made the following report:

MR. SPEAKER:

The joint committee on enrolled bills report, that they did this day present to His Excellency the Governor for his approval and signature the following bills and joint resolution.

No. 169, a joint resolution relative to refuse lands on the Wabash river.

No. 155, an act to change the name of the town of Carthage to Harrison.

No. 243, an act to provide for the payment of Clerks employed by the revising and investigating committee during the present session of the General Assembly and for other purposes.

No. 252, an act for the relief of James Sutfin.

No. 92, an act for the relief of Thomas P. Miller.

No. 56, an act to enable the School Commissioners of Ripley county to do certain acts.

No. 51, an act to authorize the Treasurer of Dearborn county to pay over certain road tax in his hands.

No. 151, an act changing the name of Edinburgh in Franklin county.

No. 156, an act for the relief of the owners of certain forfeited lands and town lots in Tippecanoe county.

No. 99, an act to amend an act entitled an act to incorporate the Buffalo and Mississippi Rail Road Company.

No. 184, an act declaring Turman's Creek a public highway.

No. 57, an act for opening and repairing public roads and highways in the county of Hancock.

No. 35, an act to locate a state road from Cambridge city to Fort Wayne.

No. 177, an act to legalize the proceedings of the Board of Justices in the county of Decatur.

No. 159, an act to authorize the election of an additional justice of the peace in Hendricks county.

No. 231, an act authorizing the election of an additional justice of the peace in Clinton township, Vermillion county.

No. 122, an act relative to the county library of Sullivan county.

No. 19, an act to locate a state road from Franklin in Wayne county to Huntingdon on the Wabash and Erie Canal.

No. 105, an act to incorporate the Rockport Steam Mill and Manufacturing Company.

No. 24, an act to incorporate the Morgan County Seminary.

And then the House adjourned until to-morrow morning nine o'clock.

WEDNESDAY MORNING, FEBRUARY 7, 1838.

The House met:

Mr. Judah moved to suspend the previous orders of the day in order to take up a bill of the House, Mo. 106, to confirm the State Bank of Indiana in its franchises."

The ayes and noes being demanded on the motion of Mr. Judah to suspend the previous orders of the day by Messrs. Hubbard and Judah,

Those who voted in the affirmative, were

Messrs. Arnold	Herriman	Proffitt
Boon	Huff	Reeve
Boyd	Hurst	Ristine
Bryce	Huston	Roe
Brown	Jackson	Shook
Burns	Jones	Smith of W.
Carleton	Judah	Stapp
Carr	Lane	Tannehill
Chamberlain	Lee	Thompson of A.
Cox	Macy	Thompson of F.
Crume	Major	Vance
Davis	McClure	Vandever
Dowling	McCrillus	Watson
Eldridge	Miller	Whiman
Ferguson	Milroy	Williams of L.
Ferris	Monroe,	Williams of R.
Garrigus	Murphey	Wilson
Glenn	Nickel	Wines of V.
Haddon	Noble	Wyman
Helmer	Peaslee	Zenor and
Henley	Perine	Mr. Speaker.—64.
Henricks		

Those who voted in the negative were:

Messrs. Bennett	Haymond	Osborn
Berry	Hocker	Pabody
Champer	Hood	Porter
Cotton of P.	Howell	Richey
Cotton of S.	Hubbard	Robbins
Graham	Kenton	Sims
Gregory	Leviston	Smydth of C.
Hamel	Marshall	Williams of W. and

Hanna
Hawkins

Noel

Wines of G. & W.

So said bill was taken from the table.

On motion of Mr. Judah,

The blank in the 2nd section was filled by inserting the first day of July.

On motion of Mr. Stapp,

The bill was further amended by striking out the provision, making the future suspension of specie payments an absolute surrender of the charter of the Bank, and inserting a provision, that "the Legislature may declare a forfeiture of the charter, whenever hereafter the bank shall suspend specie payment.

Mr. Judah moved further to amend the bill as follows:

Sec. ——. That the said bank nor any branch shall not at any time purchase, or take in payment, or on deposit, or in any manner, any note or bill of any bank or banking company of this or any other State, and of a less denomination than fifty dollars unless at its full par value.

When Mr. Ferguson moved to amend the amendment by adding thereto the following:

"And that the State Bank and Branches are hereby divorced from all connection with the policy of Internal Improvement and every other policy not directly within its proper sphere."

Which amendment to the amendment was not adopted.

The question then recurring on the amendment as proposed by Mr. Judah, and the ayes and noes being demanded by Messrs. Judah and Hanna,

Those who voted in the affirmative, were:

Messrs. Arnold
Berry
Boon
Boyd
Bryce
Brown
Burns
Carr
Chamberlain
Crume
Ferguson
Ferris

Haddon
Hanna
Helmer
Henley
Herriman
Hurst
Huston
Jackson
Judah
Lane
Major
McCrillus

Monroe
Nickel
Peaslee
Ferine
Reeve
Roe
Thompson of F.
Vandever
Walpole
Whitman
Williams of L.
Wilson

Garrigus
Glenn

Miller
Milroy

Wyman and
Zenor.—42.

Those who voted in the negative, were:

Messrs. Bennett
Carleton
Champer
Cotton of P.
Cotton of S.
Cox
Cunningham
Davis
Dowling
Eldride
Graham
Hamel
Hawkins
Haymond
Henricks
Hocker
Howell

Hubbard
Huff
Jones
Kenton
Lee
Leviston
Macy
Marshall
McClure
Murphey
Noble
Noel
Osborn
Pabody
Porter
Puckett
Richey

Ristine
Robbins
Shook
Sims
Smith of W.
Smydth of C.
Stapp
Tannehill
Thompson of A.
Vance
Watson
Williams of R.
Williams of W.
Wines of G. & W.
Wines of V. and
Mr. Speaker.--50

So said amendment was not adopted.

Mr. Judah moved to amend the bill as follows:

"Sec. ——. That so much of the fifteenth section of the charter as exempts stock, on which stockholders are indebted to the State from taxation is hereby repealed."

And the ayes and noes being demanded by Messrs. Judah and Walpole.

Those who voted in the affirmative were:

Messrs. Arnold
Bennett
Brown
Burns
Carr
Chamberlain
Davis
Ferguson
Ferris
Glenn,
Haddon
Hanna

Hurst
Huston
Jackson
Judah
Lane
Major
McCrillus
Miller
Milroy
Monroe
Murphey
Owen

Perine
Proffit
Roe,
Shook
Smydth of C
Vandever
Walpole
Whitman
Wilson
Wyman and
Zenor--35.

Those who voted in the negative were:

Messrs. Berry	Herriman	Puckett
Boyd	Hocker	Reeve,
Bryce	Hood	Richey
Carleton	Howell	Ristine
Champer	Hubbard	Robbins
Cotton of P.	Huff	Sims
Cotton of S.	Kenton	Smith of W.
Cox	Lee	Tannehill
Crume	Leviston,	Thompson of A.
Dowling	Macy	Thompson of F.
Garrigus	Marshall	Vance
Graham	McClure	Watson
Gregory	Morrison	Williams of L.
Hamel	Nickel	Williams of R.
Hawkins	Noble	Williams W.
Haymond	Noel	Wines of G. & W.
Helmer	Osborn	Wines of V. and
Henley	Paboby	Mr. Speaker—56.
Henricks-	Porter	

So said amendment was not adopted.

Mr. Juduh moved to amend the bill by adding the following section:

SEC. That said Bank and Branches shall never purchase or discount any check, or draft, or bill of exchange drawn, endorsed, or accepted by or discounted for any resident of this State, at a greater rate of discount, exclusive of interest than at the rate of one half per cent. exchange for four months paper, and in that proportion and rate, and shall never purchase at any discount or reduction, exceeding interest, any draft, check, or bill of exchange, made or drawn otherwise than for money then actually due, and payable from the drawee to the drawer, or which the drawee has in writing under his hand promised to pay.

And any check, draft or bill of exchange purchased or discounted contrary to this section, shall become, and be by said purchase absolutely null and void.

Mr. Jones moved to amend said amendment by striking out the first clause from the word "that" to the word "and" at the end of the clause, and insert, "Neither the State Bank nor any of its Branches shall purchase fictitious bills of exchange."

And the ayes and noes being requested thereon by Messrs. Jones and Cotton of S.

Those who voted in the affirmative were :

Messrs. Arnold	Hocker	Perine,
Bennett	Hood	Puckett
Berry	Howell	Reeve
Boon	Hubbard	Richey
Boyd	Huston	Ristine
Bryce	Jones	Robbins,
Carr	Lane	Shook,
Cotton of P.	Lee	Sims
Cotton of S.	Levi-ion	Smith of W.
Cox	Marshall	Stapp,
Cunningham	M'Clure	Vance
Eldridge	McCrillius	Walpole
Ferguson	Milroy,	Whitman
Graham	Monroe	Williams of L.
Gregory	Morrison	Williams of R.
Hamel	Murphey	Williams of W
Haymond	Noel	Wines of G. & W.
Helmer	Osborn	Wines of V.
Henricks,	Owen	Zenor and
Herriman	Pabody	Mr. Speaker—60.

Those who voted in the negative, were

Messrs. Brown	Henley	Porter
Chamberlain	Hurst	Proffit
Champer	Jackson	Roe
Crume	Judah	Thompson of F.
Garrigus	Major,	Vandever
Haddon	Miller	Watson and
Hanna	Nickel	Wyman—24.
Hawkins	Peaslee	

So said amendment was decided in the affirmative.

And then the House adjourned.

2 o'clock, P. M.

The House met.

Mr. Howell moved the adoption of the following resolution:

Resolved, That the clerks of this House employ such assistance as may be necessary during the remainder of the session.

Which, on motion of Mr. Bennett, was amended by adding the following proviso.

"Provided that no allowance shall be made for any assistance rendered in enrolling, previous to this time, and that the enrolling clerk certify the dates between which the assistance in enrolling is rendered, and by whom.

When said resolution was adopted.

The Speaker laid before the House a communication from the President of the State Bank, giving notice that the Bank had accepted of the provisions of an act to provide for distributing so much of the surplus revenue of the United States as the State of Indiana may be entitled to receive, by virtue of an act of Congress, approved June 23, 1836, approved Feb. 6, 1837.

Which was referred to the committee on the State Bank.

The Speaker laid before the House a petition of sundry citizens of Jay county, relative to a road therein named.

Which was referred to the committee on Roads.

Mr. Graham from the joint committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The joint committee on Enrolled Bills, report that they did this day compare the enrolled with the engrossed joint resolution and bills of the House

No. 109. A joint resolution on the subject of a western armory.

No. 157. An act relative to the town of Vernon.

No. 206. An act amendatory to the act entitled an act for the formation of the Pleasant Run school district in Carroll county.

No. 120. An act to change the Morgansford and Brandywintown State road.

No. 154. An act authorizing Lewis Jones and others to sell lot No. 67, in the town of Washington, in Daviess county, and for other purposes.

No. 150. An act to amend an act entitled an act to appropriate a part of the three per cent. fund in the county, of Orange, approved January 27, 1837.

No. 181. An act to provide for a justice of the peace in Maysville, Daviess county.

No. 39. An act to incorporate the town of Princeton.

No. 156, an act to legalize the sale of the 16th section in township No. 9, range No. 2 west.

No. 10, an act for the sale of certain school lands belonging to the Vincennes district.

No. 282, an act for the relief of Asa Brown.

No. 281, an act for the relief of Dalzel, Clark and Whitcomb, and C. Clark and Co.

No. 77, act to prevent obstructions in Anderson river in Perry or Spencer county.

No. 100, an act to legalize the acts of Thomas Bowman.

No. 111, an act to provide for the election of a justice of the peace in the town of Hartsville in Bartholomew county.

No. 86, an act providing the number and mode of electing trustees of the Posey County Seminary.

No. 97, an act to change the name of Calvin C. Marsh.

No. 95, an act for the relief of John B. Walker.

No. 249, an act to amend an act entitled, an act to amend the charter, and define the powers and duties of the President and Trustees of town of Evansville, approved February 8, 1836.

No. 192, an act for the relief of Derbin Gaw.

No. 93, an act to legalize the election and official acts of Judge of Probate in Lake county."

No. 67, an concerning state roads therein named.

And find the same truly enrolled.

Whereupon the Speaker signed the same.

Ordered, That the clerk carry them to the Senate for the signature of their President.

The Speaker laid before the House a communication from the Treasurer of State in relation to tax on non-resident lands.

Which was laid upon the table.

Mr. Judah moved that the previous orders of the day be suspended, and that Bill No. 106, to confirm the State Bank of Indiana in its franchises be taken up,

The ayes and noes being requested thereon by Messrs. Judah and Crume,

Those who voted in the affirmative, were

Messrs. Arnold
Boyd
Bryce,

Hurst
Huston
Jackson

Richey
Ristine
Roe

Frown	Jones	Shook
Burns	Judah	Sims
Carleton	Kenton	Stapp
Carr	Lane	Tannehill
Champer	Lee	Thompson of A
Davis	Leviston	Thompson of F
Eldridge	Major	Vance
Ferguson,	McClure	Vandever
Garrigus	McCrillus	Walpole
Gregory,	Monroe,	Watson
Hamel	Morrison	Williams of L.
Hanna	Murphey	Williams of R
Haymond	Nickel,	Williams of W
Helmer	Osborn	Wilson
Henley	Owen	Wines of G. and W
Herriman	Pabody	Wines of V.
Hocker	Peaslee	Wyman and
Howell	Reeve	Zenor—65.
Huff		

Those who voted in the negative, were

Messrs. Bennett	Ferris	Miller
Eerry	Glenn	Noble
Blair	Graham	Perine
Boon	Hawkins	Porter
Cotton of P.	Henricks	Robbins
Cotton of S.	Hood	Smydth of C
Cox	Hubbard	Whitman and
Crume,	Marshall	Mr. Speaker—25
Cunningham		

So said motion to suspend the previous orders was decided in the affirmative and said bill was taken up.

Mr. Haymond moved that the bill and pending amendment be indefinitely postponed.

And the ayes and noes being requested thereon by Messrs. Judah and Burns,

Those who voted in the affirmative, were

Messrs. Bennett,	Hood,	Reeve,
Carleton,	Howell,	Richey,
Cotton of P.,	Hubbard,	Ristine,
Cotton of S.,	Huff	Robbins
Cox	Kenton,	Sins,
Cunningham	Macy	Smith of W.,
Eldridge	Marshall	Smydth of C.,
Graham,	M'Clure	Thompson of A
Gregory	Morrison	Vance,
Hamel,	Noble	Watson,
Hawkins,	Osborn,	Williams of R.

Haymond,
Henricks,
Hocker

Pabody,
Porter,
Puckett,

Williams of W.,
Wines of G. & W
and Mr. Speaker—42.

Those who voted in the negative, were

Messrs. Arnold,
Blair
Boon
Boyd,
Bryce,
Brown
Burns
Chamberlain,
Champer
Crume
Davis,
Ferris,
Garrigus
Glenn,
Haddon,
Hanna,
Helmer,

Henley
Herriman,
Hurst
Huston
Jackson,
Jones
Judah,
Lane,
Lee,
Leviston,
Major
McCrillus,
Miller,
Milroy,
Monroe
Murphey,
Nickel

Owen,
Peaslee
Perine
Proffit
Roe
Shook
Stapp,
Tannehill,
Thompson of F.,
Vandever,
Walpole,
Whitman
Williams of L.,
Wilson,
Wines of V.,
and Wyman
Zenor—51.

So said bill was not indefinitely postponed.

Mr. Arnold moved that the vote on adopting the amendment proposed by Mr. Jones to the amendment offered by Mr. Judah be reconsidered.

And the ayes and noes being requested thereon by Messrs. Jones and Wines of V.,

Those who voted in the affirmative, were

Messrs. Arnold
Blair,
Boon
Bryce
Brown
Burns
Carr
Chamberlain
Champer
Crume
Davis
Ferris
Garrigus
Glenn,
Haddon

Hanna
Helmer
Henley
Hocker,
Hurst
Jackson
Judah
Leviston
Macy
Major
Miller
Milroy
Monroe
Nickel

Owen
Peaslee,
Perine
Proffit
Roe
Shook
Thompson of F.
Vandever
Walpole
Whitman
Williams of L.
Wilson
Wyman and
Zenor—43.

Those who voted in the negative, were

Messrs. Bennett
Boyd

Hubbard
Huff

Reeve
Richey

Cotton of P.	Huston	Ristine
Cotton of S.	Jones	Robbins
Cox,	Kenton	Smydth of C.
Dowling	Lane	Stapp
Eldridge	Lee	Tannehill
Ferguson	Marshall,	Thompson of A
Graham	McClure	Vance
Gregory	Morrison,	Watson
Hamel	Murphey	Williams of R.
Hawkins	Noble	Williams of W.
Haymond	Osborn	Wines of G. & W
Henricks	Pabody,	Wines of V. and
Herriman	Porter	Mr. Speaker—47.
Howell	Pucket	

So said vote was not reconsidered.

The question then recurring on the amendment of Mr. Judah as amended.

And the ayes and noes being requested thereon by Messrs. Judah, and Walpole

Those who voted in the affirmative, were

Messrs. Arnold	Hanna	Nickel
Berry	Helmer	Noble
Blair,	Henley,	Osborn
Boon	Herriman	Owen
Eoyd	Hocker	Peaslee
Bryce	Howell	Perine
Brown	Hurst	Proffitt
Eurns	Huston	Roe
Carleton	Jackson	Tannehill
Carr	Jones	Thompson of F.
Chamberlain	Judah,	Vandever
Cotton of P.	Lane	Walpole
Cotton of S.	Lee	Whitman
Crume	Leviston	Williams of L.
Davis	Macy	Wilson—46
Dowling	Major	Wines of G. & W
Ferguson	McCrillus,	Wines of V.
Garrigus	Miller	Wyman
Glenn	Milroy	Zenor and
Gregory,	Monroe	Mr. Speaker—62.
Haddon	Morrison	

Those who voted in the negative were,

Messrs. Bennett	Hubbard	Shook
Champer	Kenton	Smith of W.,
Cox	Marshall	Smydth of C.
Eldridge	McClure	Stapp
Hamel	Porter	Thompson of A.

Hawkins,
Haymond
Henricks
Hood

Puckett
Reeve
Richey
Ristine

Vance
Watson
Williams of R. and
Williams of W—27

So said amendment was not adopted.

Mr. Judah offered further to amend said bill by adding the three following sections:

Sec. —. It shall be the duty of the president and directory on the part of the State in the State Bank, from time to time, to make such rules and regulations, and all such orders as may, from time to time, be necessary to regulate the amount of specie to be kept in the vaults of the Branches, and the expansion and contraction of bank paper in circulation; and for these purposes, their power over the branches is hereby declared to be absolute; subject, however, to such provisions as may be law hereafter provided.

Sec. —. That the General Assembly may at any time by a vote of two thirds of the members of the Senate and a vote of two thirds of the members of the House of Representatives, alter, amend or change the act entitled an act establishing a State Bank, and all acts amendatory thereto, so far as relates to the number and appointment, organization and powers of the directors of the State Bank and of the several branches or of any of them.

Sec. —. That it shall be the duty of the Sinking Fund Commissioners as soon as practicable to divide their loans amongst the inhabitants of each county in proportion to the number of polls in each county; and to secure this object or to control the action of the Sinking Fund Commissioners in any respect, the legislature may at any time, make such provisions as may be deemed necessary.

Whereupon Mr. Jones asked a division of the question so that the vote be taken on each section separately.

When Mr. Stapp moved that the bill and pending amendments be indefinitely postponed.

And the ayes and noes being requested thereon by Messrs. Crume and Judah,

Those who voted in the affirmative were

Messrs. Bennett,
Berry,
Blair
Eoon,
Champer
Cotton of P.
Cox
Cunningham
Graham,

Hocker,
Howell,
Hubbard,
Huff
Kenton,
Lee,
Macy
Marshall
Morrison

Richey
Ristine,
Sims
Stapp
Tannehill
Thompson of A.
Vance,
Watson,
Williams of R.

Gregory
Hamel
Hawkins
Haymond
Henricks,

Noble
Pabody,
Porter,
Reeve,

Williams of W.
Wines of G. & W.
Wines of V. and
Mr. Speaker—40

Those who voted in the negative, were

Messrs. Arnold,
Boyd,
Bryce
Brown
Burns,
Carleton
Carr,
Chamberlain,
Cotton of S.,
Crume
Dowling
Eldridge,
Ferguson
Ferris
Garrigus,
Glenn
Haddon,
Hanna,

Helmer,
Henley,
Herriman
Hool,
Hurst,
Huston
Jackson,
Jones
Judah
Lane
Leviston,
Major,
M'Clure,
Miller,
Milroy
Monroe,
Murphey,
Nickel

Osborn,
Owen,
Peaslee,
Perine
Proffitt,
Puckett
Roe,
Smith of W.
Smydth of C.
Thompson of F.
Vandever,
Walpole,
Whitman,
Williams of L.
Wilson
Wyman and
Zenor—53.

So said bill was not indefinitely postponed.

Mr. Jones moved to refer said bill to a select committee with instructions to strike out from the enacting clause and insert the following:

SEC. 1. That the franchises, rights and privileges of the State Bank of Indiana be, and the same are hereby confirmed, upon condition that said Bank and its Branches shall accept this act and the several provisions thereof, as an amendment of the charter thereof.

SEC. 2. That neither said Bank nor any of its Branches shall purchase fictitious bills of exchange.

SEC. 3. That it shall be the duty of the Sinking Fund Commissioner, as soon as practicable, to divide their loans among the inhabitants of the several counties of this State according to the number of taxable polls in each.

SEC. 4. That it shall be lawful for the Legislature by law, to increase the number of Branches, and the amount of stock therein, from time to time, and to lay off new bank districts not exceeding one to every three counties, and the State stock in the new branches shall be subscribed and paid for in the manner prescribed in the act establishing a State Bank, but no more than two new Branches shall be organized in any one year.

And the ayes and noes being requested thereon by Messrs. Judah and Walpole,

Those who voted in the affirmative were :

Messrs. Bennett	Hanna	Porter
Blair	Hawkins	Puckett
Boyd	Hocker	Richey
Carleton	Howell	Ristine
Cotton of P.	Huff	Sims
Cotton of S.	Jones	Tannehill
Cox	Kenton	Vance
Cunningham	Lane	Watson
Dowling	Lee	Williams of R.
Graham	Marshall	Williams of W.
Gregory	Noble	Wines of V. and
Hamel	Pabody	Mr. Speaker—36.

Those who voted in the negative, were

Messrs. Arnold	Hurst	Perine
Brown	Huston	Proffit
Burns	Jackson	Reeve
Carr	Judah	Roe
Chamberlain	Leviston	Shook
Crume	Macy	Smydth of C.
Eldridge	Major	Thompson of A.
Ferguson	McClure	Thompson of F.
Ferris	Miller	Vandever
Garrigus	Milroy	Walpole
Haddon	Monroe	Whitman
Haymond	Morrison	Williams of L.
Helmer	Murphey	Wilson
Henricks	Nickel	Wines of G. & W.
Herriman	Osborn	Wyman and
Hood	Owen	Zenor—50.
Hubbard	Peaslee	

So said motion to commit was decided in the negative.

When Mr. Macy moved that the bill and pending amendments be laid upon the table.

And the ayes and noes being requested thereon by Messrs. Judah and Vaudeveer,

Those who voted in the affirmative, were

Messrs. Bennett	Haymond	Porter
Berry	Helmer	Puckett
Blair	Henricks	Reeve
Carleton	Hocker	Richey
Champer	Hood	Ristine
Cotton of P.	Howell	Sims
Cotton of S.	Hubbard	Smith of W.
Cox	Kenton	Vance
Cunningham	Lane	Watson
Dowling	Macy	Williams of R.
Gregory	Marshall	Williams of W.
Hamel	McClure	Wines of G. & W.
Hanna	Noble	Wines of V. and
Hawkins	Pabody	Mr. Speaker—42.

Those who voted in the negative, were

Messrs. Arnold	Herriman	Perine
Boon	Hurst	Proffit
Boyd	Huston	Roe
Bryce	Jackson	Shook
Brown	Jones	Smydth of C.
Burns	Judah	Tannehill
Carr	Leviston	Thompson of A.
Chamberlain	Major	Thompson of F.
Crume	McCrillus	Vaudeveer
Eldridge	Miller	Walpole
Perguson	Milroy	Whitman
Ferris	Monroe	Williams of L.
Garrigus	Morrison	Wilson
Glenn	Murphey	Wyman and
Graham	Nickel	Zenor—51.
Haddon	Osborn	
Henley	Owen	

So said motion was decided in the negative.

When Mr. Jones moved to refer the bill to a select committee, with instructions to strike the bill out from the enacting clause and insert the three first sections of the instructions heretofore offered by him.

When Mr. Crume moved to amend the instructions, so that the following section be added to said bill.

SEC. No stockholder shall be entitled to hold or loan, (without being subject to a call) more than once the amount of his stock.

Which was accepted by Mr. Jones as a modification of the instructions.

And before any decision thereon,

The House adjourned until to-morrow morning 9 o'clock.

THURSDAY MORNING, Feb. 8, 1838.

The House met.

Mr. Judah moved to suspend the previous orders of the day, and proceed with the consideration of bill No, 106, to restore the State Bank of Indiana in its franchises.

And the ayes and noes being requested thereon by Messrs. Judah and Macy,

Those who voted in the affirmative were

Messrs. Arnold	Hamel	Nickel
Blair	Helmer	Owen
Boyd	Henley	Peaslee
Bryce	Herriman	Pucket
Brown	Huff	Reeve
Burns	Hurst	Richey
Chamberlain	Huston	Ristine
Crume	Jackson	Smith of W.
Davis	Jones	Thompson of F.
Dowling	Judah	Vandever
Eldridge	Leviston	Whitman

Ferris
Garrigus
Graham
Gregory
Haddon

Major
Milroy
Monroe,
Murphey

Williams of L.
Wilson
Wyman and
Mr. Speaker.—46.

Those who voted in the negative were:

Messrs. Bennett
Berry
Carleton
Champer
Cotton of P.
Cotton of S.
Cox
Cunningham
Ferguson
Glenn
Hanna
Hawkins
Haymond
Henricks
Hocker

Hood
Howell
Hubbard
Kenton
Lane
Lee
Macy
Marshall
McClure
McCrillus
Miller
Noble
Noel
Osborn
Pabody

Porter
Roe
Sims
Smydth of C.
Stapp
Tannehill
Thompson of A.
Vance
Walpole
Watson
Williams of R.
Williams of W.
Wines of V. and
Zenor—44.

So the previous orders were suspended, and the House proceeded to the consideration of said bill,

When Mr. Jones withdrew his instructions.

The question then recurring on committing said bill,

And the ayes and noes being requested thereon by Messrs. Chamberlain and Judah.

Those who voted in the affirmative, were

Messrs. Arnold
Berry
Blair
Boon
Boyd
Bryce
Carleton
Champer
Cotton of P.
Cotton of S.
Cox
Cunningham

Henley
Herryman
Hocker
Hubbard
Huff
Huston
Jones
Kenton
Lane
Lee
Leviston
Macy

Pabody
Porter
Pucket
Richey
Ristine
Shook
Sims
Smith of W.
Stapp
Tannehill
Thompson of A.
Vance

Davis	Marshall	Watson
Dowling	Miller	Williams of L.
Eldridge	Milroy	Williams of R.
Ferguson	Murphey	Williams of W.
Graham	Nickol	Wilson
Gregory	Noel	Wines of V.
Hamel	Osborn	Zenor and
Hawkins	Owen	Mr. Speaker.—61.
Helmer		

Those who voted in the negative, were

Messrs. Bennett	Henricks	Peaslee
Brown	Howel	Perine
Burns	Hurst	Reeve
Carr	Jackson	Roe
Chamberlain	Judah	Smydth of C.
Crume	Major	Thompson of F.
Ferris	McClure	Vandever
Garrigus	McCrillus	Walpole
Glenn	Monroe	Whitman and
Haddon	Noble	Wyman.—31
Haymond		

So said motion to commit was decided in the affirmative.

When Mr. Glenn moved that the committee consist of one member from each Bank District,

Which was decided in the negative.

Whereupon Messrs. Jones, Crume and Judah were appointed as said committee.

Mr Jones made the following report:

MR. SPEAKER:

The select committee to whom was referred bill No. 106, of this House entitled a bill to restore the State Bank of Indiana in its franchises, have had the same under consideration and directed me to report the same back with one amendment, by striking the same out from the enacting clause and inserting the following.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the charter, rights privileges and franchises of "the State Bank of

Indiana," are hereby confirmed upon condition that said bank and the several branches thereof shall accept this act and the several provisions thereof as an amendment to said charter.

SEC. 2. Neither said State Bank nor any of its branches shall purchase fictitious bills of Exchange.

SEC. 3. No stockholder shall be allowed to borrow money upon any other than the usual banking terms.

SEC. 4. The Commissioners of the Sinking Fund, shall as soon as practicable distribute their loans among the inhabitants of the several counties in this State, according to the number of taxable polls in the several counties and shall keep such loans so distributed as nearly as may be.

SEC. 5. That it shall be lawful for the General Assembly from time to time by law to authorize an increase of Stock in said bank and its several branches to be subscribed by the state or individuals at any branch or branches.

SEC. 6. That it shall be lawful for the General Assembly from time to time to reorganize the bank districts, create new ones, and cause additional branches to be organized. Provided, that the whole number of branches shall not exceed one for every three counties in the State, and that no district shall contain less than three counties, and not more than two branches shall be organized in any one year.

SEC. 7. The amount of capital in such additional branches shall be fixed by law and subscribed and paid for in the manner prescribed by the act entitled an act establishing a State Bank, approved January 28th, 1834.

SEC. 8. The Governor shall have full power to require said bank and branches to resume specie payments at any time by proclamation, fixing a day in such proclamation for such resumption not less than thirty days from the day such proclamation is issued.

SEC. 9. If said Bank shall at any time hereafter suspend specie payments for more than 60 days in any one year, it shall be a forfeiture of said charter, and if any branch or branches of said bank shall suspend specie payments for more than sixty days in any one year, the State Bank shall cause such branch or branches so suspending to be wound up without unnecessary delay.

Mr. Howell moved to amend said amendment by so changing the 5 and 6 sections thereof as require two-thirds of each House to increase the stock or create new branches.

And the ayes and noes being requested thereon by Messrs. Proffitt and Vandever,

Those who voted in the affirmative were:

Messrs. Burns
Dowling
80

Hubbard
Kenton

Smith of W.
Stapp

Eldridge
Hanel
Hawkins
Henley
Henricks
Hood
Howell

Macy
Marshall,
M'Clure
McCrillus
Noel
Roe
Sims

Thompson of A.
Vance
Watson
Williams of W.
Wines of G. & W.
and Mr. Speaker.—26.

Those who voted in the negative, were

Messrs. Arnold
Bennett
Bair
Boon
Boyd
Bryce
Brown,
Carleton
Carr
Chamberlain
Champer
Cotton of P.
Cotton of S.
Cox
Crume,
Cunningham
Davis
Ferguson
Ferris
Garrigus,
Glenn
Graham
Gregory

Haddon
Hanna
Haymond
Helmer
Herriman
Hocker
Huff
Hurst,
Huston
Jackson
Jones
Judah
Lane
Lee
Leviston
Major
Matlock
Miller
Milroy
Monroe
Murphey
Nickel
Noble

Osborn
Owen
Pabody
Peaslee
Perine,
Proffit
Puckett
Reeve
Richey
Ristine
Shook
Symdth of C.
Thompson of F.
Vandever
Walpole
Whitman
Williams of L.
Williams of R.
Wilson
Wines of V.
Wyman and
Zenor—68.

So said amendment was lost.

On motion of Mr. Milroy, the sixth section was amended by adding to the end thereof, "And for every additional branch created or authorized an additional director on the part of the State shall be added to the State Board of Directors.

Mr. Vandever moved further to amend said amendment by adding:

"The State Bank and Branches shall resume specie payments within sixty days after the adjournment of the present General Assembly."

And the ayes and noes being requested thereon by Messrs. Vandever and Henley

Those who voted in the affirmative, were

Messrs. Arnold
Boon

Glenn
Haddon

Major
McCrillus

Boyd	Henley	Miller
Brown	Henricks	Monroe
Burns	Howell	Owen
Chamberlain	Jackson	Perine
Ferguson	Judah	Roe
Ferris	Lane	Vandever and
Garrigus	Leviston	Walpole.—26.

Those who voted in the negative, were

Messrs. Bennett	Hocker	Reeve
Blair	Hood	Richey
Berry	Hubbard	Ristine
Bryce	Huff	Shook
Carleton	Hurst	Sims
Carr	Jones	Smith of W.
Champer	Kenton	Smydth of C.
Cotton of P.	Lee	Stapp
Cotton of S.	Macy	Thompson of A.
Cox	Marshall	Thompson of F.
Crume	Matlock	Vance
Cunningham	McClure	Watson
Davis	Milroy	Whitman
Dowling	Murphey	Williams of L.
Eldridge	Nickel	Williams of R.
Graham	Noble	Williams of W.
Gregory	Noel	Wilson
Hamel	Osborn	Wines of G. & W.
Haddon	Pabody	Wines of V.
Hawkins	Peaslee	Wyman
Haymond	Porter	Zenor and
Helmer	Proffitt	Mr. Speaker—67.
Herriman	Puckett	

So said amendment was decided in the negative.

Mr. Bennett moved to amend the amendment by striking out the 5th and 6th sections of the amendment.

When Mr. Hendricks moved that said bill and amendment be indefinitely postponed.

The ayes and noes being requested thereon by Messrs. Jones and Milroy.

Those who voted in the affirmative, were

Messrs. Bennett	Howell	Thompson of A.
Ferris	Hubbard	Vance
Glenn	Macy	Vandever
Haymond	McClure	Williams of W. &
Henricks	Reeve	Wines of G. & W.
Hood	Stapp	17.

Those who voted in the negative, were

Messrs. Arnold	Hawkins	Osborn
Berry	Helmer	Owen
Blair	Henley	Pabody
Boon	Herriman	Peaslee
Boyd	Hocker	Perine
Bryce	Huff	Porter
Brown	Hurst	Proffit
Burns	Huston	Puckett
Carleton	Jackson	Richey
Carr	Jones	Ristine
Chamberlain	Judah	Roe
Champer	Kenton	Shook
Cotton of P.	Lane	Smith of W.
Cotton of S.	Lee	Smydth of C.
Cox	Leviston	Tannehill
Crume	Major	Thompson of F.
Cunningham	Matlock	Walpole
Davis	McCiillus	Watson
Dowling	Miller	Whitman,
Eldridge	Milroy	Williams of L.
Ferguson	Monroe	Williams of R.
Garrigus	Morrison	Wilson
Graham	Murphey	Wines of V.
Gregory	Nickel	Wyman
Haddon	Noble	Zenor and
Hamel	Noel	Mr. Speaker—79.
Hanna		

So said bill was not indefinitely postponed.

The question then recurring on the amendment proposed by Mr. Bennett.

And the ayes and noes being requested thereon by Messrs. Cotton of S. and Herriman.

Those who voted in the affirmative were:

Messrs. Bennett	Hawkins	Porter
Cotton of P.	Henricks	Stapp
Cotton of S.	Hubbard	Thompson of A. &
Ferris	Miller	Williams W.—14
Haddon	Monroe	

Those who voted in the negative were:

Messrs. Arnold	Herriman	Owen
Berry	Hocker	Paboby
Blair	Hood	Peaslee
Boon	Howell	Perine
Boyd	Huff	Proffit
Bryce	Hurst	Puckett
Brown	Huston	Reeve,
Burns	Jackson	Richey
Carleton	Jones	Ristine
Carr	Judah	Roe,
Chamberlain	Kenton	Shook
Champer	Lane	Smith of W.
Cox	Lee	Smydth of C
Crume	Leviston,	Tannehill
Cunningham	Macy	Thompson of F.
Davis	Major	Vandever
Dowling	Marshall	Walpole
Eldridge	Matlock	Watson
Ferguson	McClure	Whitman
Garrigus	McCrillus	Williams of L.
Glenn,	Milroy	Williams of R.
Graham	Morrison	Wilson
Gregory	Murphey	Wines of G & W
Hamel	Nickel	Wines of V.
Hanna	Noble	Wyman
Haymond	Noel	Zenor and
Helmer	Osborn	Mr. Speaker—82.
Henley		

The vote having been taken but before the result was announced, Mr. Champer came in and asked leave to record his vote,

Which leave was granted,

So said amendment was decided in the negative.

Mr. Reeve moved further to amend the amendment by striking out the word "three" wherever it occurs in the 6th section and inserting "five."

Which was decided in the negative,

Mr. Hanna moved the following amendment, which was lost,

SEC. . The State Bank or the Branches thereof, shall not be the Collectors of the notes or drafts of any Insurance Company or Savings Institution incorporated in the State of Indiana or the notes thereof made payable at said Bank or Branches.

Which was decided in the negative.

Mr. Perine moved further to amend by adding the following section,

SEC. . That it shall be the duty of the several Boards of Directors, to cause to be set apart annually an amount on each 100 dollars of Bank Stock, (which with the 12½ cents on the share now required to be set apart,) shall be a tax on the said bank stock proportioned to the full amount of state, county and road tax, which may be assessed in the various counties composing the bank district, and which amount shall be disposed of in the same manner, and appropriated to the same object that the 12½ cents per share is directed to be set apart.

Which was decided in the negative.

On motion of Mr. Morrison said amendment was amended as follows:

SEC. Neither the State Bank or any of its Branches shall at any time, during a suspension of specie payments, make any sale of specie or bullion, nor shall any dividend be paid to any stockholder during the time of such suspension.

Mr. Miller moved the following amendment:

In the event of the Bank again suspending specie payments, or on failure of any Branch or Branches to redeem their notes in gold or silver, the stockholders of such Branch shall be liable to the amount of their stock in their individual capacity for the redemption of the notes in circulation.

Which was decided in the negative.

On motion of Mr. Morrison said amendment was further amended as follows:

SEC. No Branch of said Bank shall at any time, after a suspension of specie payments, enlarge its issues of paper or other liabilities, during such suspension.

When Mr. Haymond moved that said bill and amendment be laid upon the table.

Which was decided in the negative.

A division of the question having been called for.

On the question shall the original bill be stricken out,

And the ayes and noes being requested thereon by Messrs. Judah and Proffit.

Those who voted in the affirmative were :

Messrs. Bennett	Hocker	Pabody
Blair	Hood	Porter
Boyd	Howell	Pucket
Bryce	Hubbard	Reeve
Brown	Huff,	Richey
Carleton	Huston	Ristine
Carr	Jones	Roe
Champer	Kenton	Shook,
Cotton of P.	Lane	Sims
Cotton of S.	Lee	Smith of W.
Cox	Leviston	Smydth of C.
Crume	Macy,	Tannehill
Davis	Marshall	Thompson of F.
Dowling,	M'Clure	Watson
Ferguson	McCrillus	Whitman
Glenn	Milroy,	Williams of L.
Graham	Monroe	Williams of R.
Gregory	Morrison	Williams of W
Hamel	Murphey	Wilson
Hanna	Nickel	Wines of G. & W.
Hawkins	Noble	Wines of V.
Haymond	Noel	Zenor and,
Helmer	Osborn	Mr. Speaker—71.
Herriman	Owen	

Those who voted in the negative, were

Messrs. Arnold	Henley	Perine,
Boon	Henricks,	Proffit
Burns	Hurst	Stapp,
Chamberlain	Jackson	Thompson of A.,
Cunningham	Judah	Vandever
Eldridge	Major,	Walpole and
Garrigus	Peaslee	Wyman—22.
Haddon		

So said bill was stricken out.

And on the question shall the amendment reported by the committee as amended be adopted.

And the ayes and noes being requested thereon by Messrs. Jones and Milroy,

Those who voted in the affirmative, were

Messrs. Arnold,	Herriman,	Pabody,
Berry	Hocker	Peaslee
Blair	Hood,	Perine
Boyd,	Hubbard,	Proffit
Bryce,	Huff	Puckett,
Brown	Hurst	Reeve,
Burns	Huston	Richey,
Carleton,	Jones	Ristine,
Carr,	Judah,	Roe
Chamberlain,	Lane,	Shook
Champer	Lee,	Sims,
Cotton of P.,	Leviston,	Smith of W.,
Cotton of S.,	Major	Smydth of C.,
Cox	Marshall	Tannehill,
Crume	Matlock	Thompson of F.,
Davis,	McCrillus,	Vandever,
Dowling	Miller,	Walpole,
Eldridge	Milroy,	Whitman
Ferguson	Monroe	Williams of L.,
Garrigus	Morrison	Williams of R.
Glenn,	Murphey,	Wilson,
Graham,	Nickel	Wines of G. & W
Gregory	Noble	Wines of V.,
Hamel,	Noel,	Zenor
Hanna,	Osborn,	and Mr. Speaker—78.
Helmer,	Owen,	
Henley		

Those who voted in the negative, were

Messrs. Bennett,	Henricks,	Porter,
Boon	Howell,	Stapp,
Cunningham	Jackson,	Thompson of A
Ferris,	Kenton,	Watson,
Haddon,	Macy	Williams of W.,
Hawkins,	McClure	and Wyman—19.
Haymond,		

So said amendment was concurred in.

Whereupon Mr. Smydth of C. moved the previous question.

Which was seconded by a majority of the House.

And on the question shall the main question be now put,

It was decided in the affirmative.

Whereupon the main question was put,

Shall the bill pass to a third reading.

And the ayes and noes being demanded by Messrs. Howell and Haymond.

Those who voted in the affirmative, were

Messrs. Arnold	Hubbard	Puckett
Perry	Huff	Reeve
Blair	Hurst	Richey
Boyd	Jones	Ristine
Bryce,	Judah	Roe
Brown	Kenton	Shook
Burns	Lane	Sims
Carleton	Lee	Smith of W.
Carr	Leviston	Smydth of C
Cotton of S.	Matlock	Tannehill;
Crume,	McCrillus	Thompson of F
Cunningham	Miller	Vandever
Ferguson,	Milroy	Walpole
Garrigus	Monroe,	Watson
Graham	Morrison	Whitman
Gregory,	Murphey	Williams of L.
Haddon	Nickel,	Wilson
Hamel	Noble	Wines of G. and W
Hanna	Noel	Wines of V.
Helmer	Owen	Zenor and
Henley	Osborn	Mr. Speaker—67
Herriman	Peaslee	
Hocker	Perine	

Those who voted in the negative, were

Messrs. Bennett	Henricks	Pabody
Boon	Hood	Porter
Cotton of P.	Howell	Stapp
Davis	Jackson	Thompson of A
Dowling	Macy	Williams of R
Ferris	Marshall	Williams of W &
Hawkins	McClure	Wyman—24
Haymond	Osborn	

After the vote was taken and before the result was announced Mr. Glenn came in and asked leave to record his vote.

Which leave was refused.

So said bill was ordered to a third reading.

When Mr. Jones moved that the rule be suspended and the bill read the third time now,

And the ayes and noes being requested thereon by Messrs. Haymond and Howell.

Those who voted in the affirmative, were

Messrs. Arnold	Helmer	Osborn
Berry	Henley	Owen
Blair,	Herriman	Pabody
Boyd	Hood	Peaslee,
Bryce	Hubbard	Perine
Brown	Huff	Puckett
Burns	Huston	Richey
Carleton	Jackson	Ristine
Carr	Jones,	Roe
Chamberlain	Judah	Shook
Cotton of S.	Kenton	Sims
Cox	Lane	Smith of W.
Crume	Lee	Smydth of C.
Cunningham	Leviston	Tannehill
Davis	Major	Thompson of A
Ferguson,	Matlock	Thompson of F.
Ferris	M'Crillus	Vandever
Garrigus	Miller	Watson
Glenn,	Nilroy	Whitman
Graham	Monroe	Williams of L.
Gregory	Morrison,	Wilson
Haddon	Murphey	Wines of G. & W
Hamel	Nickel	Wines of V.
Hanna	Noble	Zenor and
Hawkins	Noel	Mr. Speaker—74.

Those who voted in the negative, were

Messrs. Bennett	Hocker,	Reeve
Boon	Howell	Stapp
Cotton of P.	Macy	Walpole
Dowling	Marshall,	Williams of R.
Eldridge	McClure	Williams of W. &
Haymond	Porter	Wyman—19
Henricks		

So the rule was suspended and the bill read the third time,

When Mr. Haymond moved that said bill be laid upon the table.

And the ayes and noes being requested thereon by Messrs. Glenn and Haymond,

Those who voted in the affirmative were

Messrs. Bennett	Henricks	Porter
Boon	Howell	Stapp

Cotton of P.
Dowling
Hawkins
Haymond

Kenton
Macy
Marshall
McClure

Thompson of A.
Vance and
Williams of W. 17

Those who voted in the negative were :

Messrs. Arnold

Berry

Blair

Boyd

Bryce

Brown

Burns

Carleton

Carr

Champer

Cotton of S.

Cox

Crume

Cunningham

Davis

Eldridge

Ferguson

Ferris

Garrigus

Glenn

Graham

Gregory

Haddon

Hamel

Helmer

Henley

Herriman

Hocker

Huff

Huston

Jackson

Jones

Judah

Lane

Lee

Leviston

Major

Matlock

Miller

Milroy

Monroe,

Morrison

Murphey

Nickel

Noble

Noel

Osborn

Owen

Peaslee

Perine

Proffitt

Pucket

Reeve

Richey

Ristine

Roe

Shook

Smith of W.

Smydth of C.

Tannebill

Thompson of F.

Vandever

Walpole

Watson

Whitman

Williams of L.

Williams of R.

Williams of W.

Wines of G. & W.

Wines of V.

Wyman

Zenor and

Mr. Speaker.— 46.

So said was not laid upon the table.

And on the question shall the bill pass.

And the ayes and noes being requested thereon by Messrs. Haymond and Glenn.

Those who voted in the affirmative, were

Messrs. Arnold

Berry

Blair

Henley

Herryman

Hocker

Osborn

Owen

Peaslee

Boyd	Hubbard	Perine
Bryce	Huff	Proffit
Brown	Hurst	Puckett
Burns	Huston	Richey
Carleton	Jackson	Ristine
Carr	Jones	Roe
Champer	Judah	Shook
Cotton of S.	Kenton	Sims
Cox	Lane	Smith of W.
Crume	Lee	Smydth of C.
Cunningham	Leviston	Tannehill
Davis	Major	Thompson of F.
Eldridge	Matlock	Vandever
Ferguson	McCrillus	Walpole
Garrigus	Miller	Watson
Glenn	Milroy	Whitman
Graham	Monroe	Williams of L.
Gregory	Morrison	Wilson
Haddon	Murphey	Wines of G. & W.
Hamel	Nickol	Wines of V.
Hanna	Noble	Zenor and
Helmer	Noel	Mr. Speaker.—74

Those who voted in the negative, were

Messrs. Bennett	Henricks	Porter
Boon	Hood	Reeve
Cotton of P.	Howel	Stapp
Dowling	Macy	Thompson of A.
Ferris	Marshall	Williams of R.
Hawkins	McClure	Williams of W. &
Haymond	Pabody	Wyman.—21

After the vote was taken and before the result was announced Mr Burns came in and asked leave to record his vote.

Which leave was granted,

So said bill passed.

Ordered, That the Senate be informed thereof and their concurrence therein requested.

Mr. Glenn entered the following protest.

The undersigned avails himself of his constitutional privilege of entering his protest on the Journals of the House against the vote taken this day, refusing him the right of having his name recorded in the affirmative on the question of the engrossment of the "Bill to confirm the State Bank of Indiana in its franchises."

The undersigned had not been out of the Hall more than five minutes, and returned at the moment his name was called, but not in time to ascertain what the question was, and consequently could not vote. For these reasons, he considers the vote of the House in so refusing, as not only depriving him of his constitutional privilege, but also depriving those whom he represents of a voice in the House of Representatives.

So far as his knowledge extends, no member has before been refused to record his vote, who was absent at the time his name was called. Numerous instances have occurred of members having their names recorded while the Journals were reading in the morning, who were absent the day previous. He, therefore, SOLEMNLY PROTESTS against the vote of the House in refusing him the privilege of recording his name, as aforesaid.

ALEX. E. GLENN, of Dearborn.

February 8, 1838.

And then the House adjourned.

2 o'clock, P. M.

The House met.

On motion of Mr. Marshall,

The previous orders of the day were suspended, that members have leave to introduce business.

Mr. Howell made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of John Proctor and others, praying for a State road from Rome, in Perry county, to Petersburg in Pike county, have had that subject under consideration, and directed me to report that legislation on that subject is unnecessary at this time, and ask to be discharged from the further consideration of that subject.

On motion, the House concurred in said report.

And the committee were discharged.

Mr. Smyth of C. made the following report:

MR. SPEAKER:

The select committee to whom was referred an engrossed bill of the Senate No. 96, an act for the appointment of county surveyors and their

deputies, have, according to order, had that subject under consideration, and made sundry amendments thereto, and directed me to report the same to the House, and ask its concurrence therein.

Which were concurred in, and said bill ordered to a third reading on to-morrow.

Mr. Noel from the select committee to which was referred a bill of the House No. 55, declaring Sugar Creek in Parke county, a public highway, reported the same back with amendments,

Which were concurred in, and the bill read a third time and passed.

Ordered, That the clerk inform the Senate, and ask their concurrence therein.

Mr. Reeve from the select committee on claims, to whom was referred a resolution of the House on that subject, reported a bill No. 359, for the relief of John Bell,

Which was read three times and passed.

Ordered, That the clerk inform the Senate and ask their concurrence therein.

Mr. Walpole made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of Buck Martindall and others, citizens of Hancock county, have had the same under consideration, and a majority of said committee have instructed me to report, that it is inexpedient to legislate on the subject matter contained in the prayer of the petitioners, whereupon the committee pray to be discharged from the further consideration thereof,

On motion, the report was concurred in, and the committee discharged.

Mr. Henricks made the following report from a select committee:

MR. SPEAKER:

The select committee to which was referred a bill of the House No. 96, to change the name of the towns of St. Joseph Iron Works and Indiana City, in St. Joseph county, have had the same under consideration, and have directed me to report it back with one amendment. Strike out the word "passage" in the second section, and insert "from and after its publication in the South Bend Free Press," in which the concurrence of the House is requested.

Which was concurred in, and the bill read the third time and passed.

Mr. Vance from the select committee to whom was referred a petition

on that subject, reported a bill No. 361, to authorize Wetmore and Toby to erect a mill dam on the Wabash river at the town of Murry, in Wells county.

Which was read three times and passed.

Ordered, That the clerk inform the Senate and ask their concurrence therein.

Mr. Wilson made the following:

MR. SPEAKER:

The committee on Corporations to which was referred a memorial of the New Albany and Mount Carmel Rail Road Company have had the same under consideration and have directed me to report a bill No. 363, to amend the charter of the New Albany and Mount Carmel Rail Road Company.

Which was read the first, second and third times and passed,

Also, a bill No. 304, of the Senate, to incorporate the Baily Town and Chicago Turnpike Company;

Which was read the second and third time and passed.

Also, a bill No. 279, to incorporate the Michigan and Indiana Rail Road Company.

Also, a bill No. 330, to incorporate the Peru and Rochester Turnpike Company.

Also, a bill No. 320, to incorporate the Logansport Insurance Company.

Also, a bill of the Senate, No. 133, to incorporate the town of Rockport in Spencer county.

Also, a bill of the Senate, No. 26, to incorporate the Marion and Missinawa Bridge Company.

Also, a bill No. 276, incorporating the Mayor and Common Council of the Town of Delphi.

Which were severally read the second and third times and passed.

Also, a bill No. 374, to repeal the 8th, 9th and 10th sections of an act entitled an act to incorporate the Clay County Seminary Trustees, approved February 2, 1837.

Which was read the first, second and third times and passed.

Ordered, That the clerk inform the Senate and ask their concurrence in said bills.

MR. SPEAKER:

The select committee to whom was referred the petition of sundry cit-

izens of Hendricks County, requesting the extension of the jurisdiction of justices of the peace in said county, have had the same under consideration and have directed me to report the following bill:

No. 354, regulating the jurisdiction of justices of the peace in the county of Hendricks;

Which was read three times and passed.

Ordered, That the clerk inform the Senate, and ask their concurrence therein.

Mr. Smydth of C. made the following report:

MR. SPEAKER:

The committee on Canals and Internal Improvements to which was referred a resolution of the House instructing said committee to inquire into the expediency of reporting a bill authorizing the Commissioner on the Cross Cut Canal and Wabash River to construct a tow path from the feeder dam on Eel river so far up said stream as the pool of said dam may extend, at such time as the public interest may require, have had the same under consideration and directed me to report:

That in the opinion of said committee it is inexpedient to legislate on that subject at present, not that such extension is deemed visionary or unnecessary, but that there is yet sufficient time to make such provisions as may hereafter be deemed proper.

On motion, the House concurred in said report.

Mr. Jones from the committee on Corporations made the following report:

MR. SPEAKER:

The committee on Corporations to whom was referred engrossed bill of the Senate, entitled No. 40, a bill to incorporate a certain company therein named, have had the same under consideration and directed me to report the same back to the House without amendment.

When said bill was read the third time and passed.

Ordered, That the Clerk inform the Sente and ask their concurrence therein.

Mr. Smydth of C. made the following report:

MR. SPEAKER:

The committee on Roads, to which was referred a petition of sundry citizens of Clay county, stating that there are two state roads running

nearly parallel with each other, from Birch creek bridge in said county, in a western direction to the Vigo county line, and praying that both of said roads be vacated; and that commissioners be appointed to relocate a state road between said points, have carefully considered the same and directed me to report that it is inexpedient to legislate on that subject, and for the following reasons:

1st. Several strong remonstrances of the citizens directly interested were referred to your committee against any change in the road running by way of Christy's Post Office; also it is stated in said remonstrances that those who signed the petition must have been mistaken as to the fact of two state roads being now located between said points and as evidence of said fact, those remonstrating have forwarded a copy of an order of the board of commissioners, passed at their last November term, and signed by the clerk of said county, which vacates the north or upper road, and proves conclusively that those who signed the petition were deceived.

Also many who signed the petition also signed a remonstrance against it, stating that in signing said petition they were not aware of the fact of the north or upper road being vacated, and were deceived.

2nd. Those remonstrating state that the road by way of Christy's Post Office is that on which the mail passes, and that a contract has been entered into that a tri-weekly line of stages shall commence running some time during the coming season, and to vacate the road between said points and appoint commissioners to make a new location between said points might cause much inconvenience and probably retard the transportation of the mails.

3rd. That a petition was referred to your committee praying that should a relocation of the road between said points take place, Christy's Post Office be a point, and as there was no remonstrance against said Post Office being a point, your committee would in duty bound have to make said Post Office a point, which would place the road on about the same ground which it now occupies, which would be an expense to said county without the possibility of any benefit.

On motion the House concurred in said report, and the committee discharged from the further consideration thereof.

On motion of Mr. Champer,

Resolved, That this House will the Senate concurring therein, go into the election of a prosecuting attorney for the 7th judicial circuit on Wednesday next at 2 o'clock, P. M.

Mr. Reeve made the following report:

MR. SPEAKER:

The committee on claims to whom was referred the petition of T. T. Shields and others, on the subject of refunding money by them ex-

pendent in repairing a bridge over Wild Cat Creek in Carroll county, have had the same under consideration and have instructed me to report that it is inexpedient to legislate on that subject at present, and ask to be discharged from the further consideration of the same.

On motion of Mr. Milroy,

The petitions were referred to a select committee of Messrs. Milroy, Eldridge and Major.

Mr. Milroy made the following report:

MR. SPEAKER:

The committee on roads to whom was referred the petition of John Grantham and others, of Carroll county praying the location of a state road from Tiptonsport, Carroll county to Monticello, in White county, and the remonstrance of Frederick Hoover and other citizens of Carroll county, remonstrating against the same, have had the subject under consideration, and after a careful examination of the same, have directed me to report that it is expedient to pass the bill of the Senate No. 182, to locate a state road from Tiptonsport in Carroll county to Monticello in White county, referred to the committee on the subject inasmuch as there is two state roads one extending from Lockport and the other from Carrollton, two towns on the Wabash river, both extending to Monticello in White county; either of which can be conveniently intersected by a road from Tiptonsport, and therefore recommend that the bill referred to, lie on the table for the present.

Mr. Brown presented the petition of Fletcher Silvers and others, for the extension of the Washington and Carlisle State road.

Mr. Crum presented the petition of Caleb B. Smith and others, to change a part of the Connersville State road.

Mr. Matlock presented the petition of Richard Arnold and others, for a change of part of the state road from Mooresville via Danville to Crawfordsville and also, the remonstrance of James B. Matlock and others against the same,

Which was severally read and referred to the committee on roads.

Mr. Helmer presented the petitions of sundry citizens of Lawrence and Monroe counties, for a state road therein named,

Which was referred to a select committee of Messrs. Helmer, Berry and Williams of L.

On motion a remonstrance against the same, heretofore laid upon the table, was taken up and referred to the same committee.

Mr. Huff presented a petition from R. Blacklidge and others, in relation to the school law,

Which was laid upon the table.

Mr. Perine presented the remonstrance of John Willis and others against a division of Kosciusko county,

Which was laid upon the table.

Mr. Hocker presented the petition of Hiram Andrew and others, for a state road therein named, also, the remonstrance of Amos Davis and others, against the same,

Which were referred to a select committee of Messrs. Hocker, Ristine, Bryce and Lane.

Mr. Wines of V. presented the petitions of George W. Rentor and others, for a state road therein named,

Which were referred to a select committee of Messrs. Wines of V., Dowling and Smydth of C.

Mr. Henricks presented the petition of A. Delany and others, to change the name and incorporation of St. Josephs Iron Works and include in one name and incorporation the various additions, viz: Indiana City, Mishawaka and all the various additions thereto, under a general name of Mishawaka, and also the remonstrance of William Beswick and others, against the same.

Which were referred to the same committee to whom were referred petitions heretofore presented on the same subject.

Mr. Arnold presented the petition of L. A. Bonham and others, of Dearborn county, asking certain amendments to be made to the charter of the State Bank, or the withdrawal of the Branch of said Bank from Lawrenceburgh.

Which was referred to the same select committee to whom was referred petitions heretofore presented on the same subject.

Mr. Miller presented the remonstrance of Aaron Legrange and other citizens of Gibson county, against making the bridge erecting across Patoka river near Columbia a toll bridge, and also the remonstrance of William Daniel and other citizens of Gibson county on the same subject,

Which were referred to the same committee to which was referred the petition of John Hargrove and others on the same subject.

Mr. Marshall introduced a bill No. 342, for the relief the heirs of James H. Wallace, deceased.

Mr. Vandever introduced a bill No. 344, fixing the compensation of the commissioner of the Saline lands in Orange county.

Mr. McClure introduced a bill No. 355, to incorporate the town of Laporte.

Mr. Morrison introduced a bill No. 356, to incorporate the Exchange Hotel Company.

Mr. Marshall introduced a bill No. 355, for the relief of the children of James C. Lee.

Mr. Thompson of A. introduced a bill No. 360, to authorize R. J. Dawson and John Spencer to erect a mill dam across St. Joseph river.

Mr. Helmer introduced a bill No. 368, regulating the keeping of stallions and jacks.

Mr. Hamel introduced a bill No. 367, to authorize the sale of school section sixteen, in Porter county.

Mr. Hocker introduced a bill No. 369, for the relief of Edward Lane.

Mr. Huston introduced a bill No. 370, to change the name of Middletown, in Washington county, to Claysville.

Mr. Noble introduced a joint resolution of the General Assembly No. 372.

Mr. Noel introduced a bill No. 373, to incorporate the Armiesburg bridge company.

Which were severally read three times and passed.

Ordered, That the clerk inform the Senate and ask their concurrence therein.

Mr. Peaslee introduced a bill No. 358, to declare a certain road a State road.

Mr. Pabody introduced a bill No. 357, relative to the commissioner of the Vernon and Greensburg State road.

Which were severally read the first and second time, and referred to the committee on Roads.

Mr. Burns introduced a bill No. giving the State of Illinois the right of way within this State to connect the northern cross cut rail road in Illinois, with the Wabash and Erie canal at Perrysville, Indiana.

Which was read the first and second time, and ordered to a third reading on to-morrow.

Mr. Graham introduced a bill No. 347, repealing all laws and parts of laws now in force, granting premiums for wolf scalps.

Which was read the first time, and passed to a second reading.

Mr. Williams of W. introduced a bill No. 362, to permit and authorize the State of Ohio to construct a part of the Cincinnati and White Water canal, within the territory of the State of Indiana.

Which was read the first and second time, and passed to a second reading on to-morrow.

Mr. Bur is introduced a joint resolution of the General Assembly No.

365, authorizing the survey and estimate of a rail road from Perrysville in Vermillion county, to the Illinois State line.

Which was read the first and second time, and referred to the committee on Canals.

Mr. Chamberlain introduced a bill No. 366, for the appropriation of a portion of the three per cent. fund belonging to the counties of Allen, Whitley, Noble, Elkhart and St. Joseph, to a State road therein named.

Which was read the first and second time, and referred to a select committee of Messrs. Chamberlain, Vance, Thompson of A., Herriman and Henricks.

Mr. Shook introduced a bill No. 374, for the stay of execution in certain cases.

Which was read the first and second time, and referred to the committee on the Judiciary.

Mr. Hurst from the select committee to whom was referred the petition on that subject, reported a bill, No. 343, concerning lot No. 20, in the town of Jeffersonville.

Mr. Hamel from the select committee to whom the petitions on that subject were referred, reported a bill No. 348, specifically appropriating the three per cent. fund in Porter county.

Mr. Macy from the select committee to whom was referred petitions on that subject, reported a bill No. 352, to incorporate the town of Greenboro.

Mr. Noble from the select committee to whom was referred bill of the Senate, to incorporate the town of Franklin in Johnson county;

Reported the same back without amendments.

Mr. Carr from the select committee to which was referred the bill of the House No. 84, to legalize the acts of the recorder of Jackson county;

Reported the same back with amendments.

Which were concurred in.

Mr. Ferguson from the select committee to which was referred the bill of the Senate, No. —, for the promotion of schools and education in Clark's Grant;

Reported the same back with amendments.

Which were concurred in.

Which bills were severally read three times and passed.

Ordered, That the clerk inform the Senate thereof, and ask their concurrence in said amendments and bills of the House.

Mr. Hanna from the select committee to whom was referred the petition of Elizabeth Martin, reported bill No. 349, dissolving the matrimonial connection between Andrew Martin and Elizabeth Martin, his wife;

Which was read the first time and passed to a second reading to-morrow.

Mr. Hurst from the select committee to whom was referred the petition of James Patterson and others, reported a bill No. 351, to authorize the subscription of stock on the part of the State in the Jeffersonville and New Albany Canal Company;

Which was twice read and laid upon the table.

Mr. Morrison reported a bill, No. 371, to provide for the sale of certain lots at Indianapolis, and for other purposes;

Which was twice read and referred to the committee of Ways and Means.

Mr. Glenn introduced a joint resolution, No. 346, prescribing the mode of electing public officers by the General Assembly;

Which was read the first time,

When Mr. Noel moved that said joint resolution be rejected.

And the ayes and noes being requested thereon by Messrs. Vandever and Glenn,

Those who voted in the affirmative, were

Messrs. Blair,	Hanna	Porter
Brown	Haymond	Reeve
Carleton	Helmer	Richey
Carr	Henricks	Ristine
Chamberlain	Hocker	Roe
Champer	Hood	Shook
Cotton of P.	Huff	Sims
Cotton of S.	Lee	Smydth of C.
Cox	Leviston	Stapp
Cunningham,	Marshall	Tannehill
Davis	Matlock	Vance
Dowling	Miller	Williams of L.
Eldridge	Noble	Williams of R.
Ferris	Noel	Williams of W.
Gregory,	Osborn	Wines of G. & W.
Haddon	Pabody,	Wines of V. and
Hamel	Peaslee	Mr. Speaker—52.

Those who voted in the negative were,

Messrs. Bennett	Howell	Morrison
Berry	Huston	Murphey
Boon	Jackson	Nickel

Boyd
 Bryce
 Burns
 Crume
 Garrigus
 Glenn
 Graham
 Herriman
 Henley,

Jones
 Kenton
 Lane
 Macy
 Major
 McClure
 McCrillus,
 Milroy
 Monroe

Ferine
 Thompson of A.
 Thompson of F.
 Vandever
 Walpole
 Watson
 Wyman and
 Zenor—35

So said joint resolution was rejected.

The following message was received from the Governor by Mr. Maguire his private Secretary:

MR. SPEAKER:

I am instructed by his Excellency the Governor to inform the House of Representatives that he has approved and signed acts and a joint resolution, entitled as follows:

No. 24, an act to incorporate the Morgan County Seminary.

No. 35, an act to locate a state road from Cambridge City to Fort Wayne.

No. 57, an act for opening and repairing public roads and highways in the county of Hancock.

No. 99, an act to amend an act entitled an act to incorporate the Buffalo and Mississippi Rail Road Company.

No. 51, an act to authorize the treasurer of Dearborn county to pay over certain road tax in his hand.

No. 56, an act to enable the school Commissioner of Ripley county to do certain acts.

No. 92, an act for the relief of Thomas P. Miller.

No. 231, an act authorizing the election of an additional justice of the peace in Clinton, Vermillion county.

No. 159, an act to authorize the election of an additional justice of the peace in Hendricks county.

No. 177, an act to legalize the proceedings of the board of justices in the county of Decatur.

No. 184, an act declaring Turman's creek a public highway.

No. 156, an act for the relief of the owners of certain forfeited lands and town lots in Tippecanoe county.

No. 151, changing the name of Edingburgh in Franklin county.

No. 119, an act to locate a state road from Franklin in Wayne county to Huntingdon on the Wabash and Erie Canal.

No. 122, an act relative to the county Library of Sullivan county.

No. 105, an act to incorporate the Rockport and Steam Mill Manufacturing Company.

No. 155, an act to change the name of the town of Carthage in Harrison county.

No. 252, an act for the relief of James Sutfin.

No. 243, an act to provide for the payment of clerks employed by the revising and investigating committees, during the present session of the General Assembly and for other purposes.

No. 169, a joint resolution relative to refuse lands on the Wabash river.

Mr. Graham from the joint committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The joint committee on Enrolled Bills, report that they did this day compare the enrolled with the engrossed bills of the House

297, an act to incorporate the Marion Guards.

292, an act appointing bridge road commissioners in the counties of Spencer and Perry and defining their powers and duties.

158, an act to incorporate the Harrison and Napoleon turnpike.

82, an act appropriating the three per cent fund belonging to the county of Warren.

538, An act for the relief of Edward Hopkins.

85, an act regulating the interest on money.

230, an act for the relief of John Bennet.

And find the same truly enrolled.

Whereupon the Speaker signed the same.

Ordered, That the clerk carry them to the Senate for the signature of their President.

Mr. Stapp made the following report:

MR. SPEAKER:

The committee on Canals and Internal Improvement to which was referred a bill for the relief of James Westfield, have had the same under consideration, and have directed me to report without amendments.

When Mr. Smydth of C. moved that said bill be indefinitely postponed.

And before any decision thereon,

The House adjourned until to-morrow morning 9 o'clock

FRIDAY MORNING, FEBRUARY 9, 1838.

The House met.

Mr. Bryce moved the following resolution:

Resolved, The Senate concurring, that the resolution from the Senate, passed in this House on Saturday the third instant, fixing the 19th of February as the day for the adjournment of the General Assembly be and the same is hereby rescinded.

Mr. Haymond moved that the resolution be indefinitely postponed.

When Mr. Perine moved the previous question,

Which was seconded by a majority of the House,

And on the question shall the main question be now put?

And the ayes and noes being requested thereon by Messrs. Haymond and Herriman,

Those who voted in the affirmative were

Messrs. Arnold,	Hocker,	Perine
Blair	Hubbard,	Porter,
Boon,	Huff	Proffitt,
Boyd,	Hurst,	Puckett
Bryce	Huston	Richey
Brown	Jackson,	Ristine,
Carleton	Lane	Robbins
Chamberlain,	Macy	Sims
Crume	Major,	Smith of W.
Dowling	M'Clure,	Smydth of C.
Eldridge,	McCrillus	Thompson of F.
Ferguson	Milroy	Vandever,
Garrigus,	Monroe,	Walpole,
Graham,	Murphey,	Whitman,
Glenn	Nickel	Williams of L.

Gregory
Haddon,
Hawkins
Helmer,

Noble
Noel
Osborn,
Peaslee,

Williams of R.
Wilson and
Mr. Speaker—56

Those who voted in the negative, were

Messrs. Bennett,
Berry,
Burus,
Carr,
Champer
Cotton of P.
Cotton of S.,
Cox
Davis
Hanna,
Haymond

Henley,
Henricks,
Herriman
Hood,
Howell,
Judah
Kenton,
Lee,
Leviston,
Miller,
Owen,

Pabody,
Roe,
Shook
Stapp
Tannehill
Thompson of A.
Vance,
Wines of G. & W.
Wines of V.
Wyman and
Zenor—33.

So said motion was decided in the affirmative.

When Mr. Bennett moved that the resolution be laid upon the table.

And the ayes and noes being requested thereon by Messrs. Bryce and Haymond,

Those who voted in the affirmative, were

Messrs. Arnold,
Bennett,
Boon
Carr,
Champer
Cotton of P.,
Cotton of S.,
Cox
Davis,
Ferguson
Ferris,
Hamel,
Hawkins,
Herriman,
Haymond,

Henley
Henricks,
Hood,
Howell,
Hubbard,
Huston
Jackson,
Judah,
Kenton,
Lee,
Leviston,
Marshall
McClure
Miller,

Noel,
Owen,
Pabody,
Roe
Shook
Sims,
Stapp,
Tannehill,
Thompson of A
Vance
Williams of W.,
Wines of V.,
Zenor
and Mr. Speaker—44.

Those who voted in the negative, were

Messrs. Berry
Blair
Boyd,
Bryce,
Brown
Burns
Carleton,
Chamberlain,

Helmer,
Hocker
Huff
Hurst
Lane
Macy
Major
Matlock

Proffit
Puckett,
Reeve,
Fistine,
Richey,
Robbins
Smith of W.,
Smydth of C.,

Crume
Cunningham
Dowling
Eldridge
Garrigus
Glenn,
Graham,
Gregory
Haddon,

McCrillus,
Milroy,
Monroe
Murphey,
Nickel
Noble
Osborn,
Perine
Porter,

Thompson of F.,
Vandever,
Walpole,
Whitman
Williams of L.,
Williams of R.
Wilson,
Wines of G. & W
and Wynan—51.

So said resolution was not laid on the table.

And the question then recurring on the adoption of the resolution,

And the ayes and noes being requested thereon by Messrs. Glenn and Howell,

Those who voted in the affirmative were:

Messrs. Bennett

Blair
Berry,
Boon
Boyd
Bryce
Brown
Carleton
Chamberlain
Crume
Cunningham
Dowling,
Eldridge
Garrigus
Graham
Gregory
Haddon
Hamel

Helmer
Huff,
Hurst
Macy,
Major,
Matlock
M'Clure
McCrillus
Milroy,
Morrison
Nickel
Noble
Noel
Osborn
Peaslee
Perine,
Porter

Pucket
Reeve
Richey
Ristine
Robbins,
Sims
Smith of W.
Smydth of C.
Thompson of F.
Vandever
Walpole
Whitman
Williams of L.
Williams of R.
Wilson
Wines of G. & W
and Wyman—52.

Those who voted in the negative, were

Messrs. Arnold

Burns
Carr
Champer
Cotton of P.
Cotton of S.
Cox
Davis
Ferguson
Ferris
Glenn
Hawkins
Haymond
Henley
Henricks,

Herriman
Hocker
Hood
Howell
Hubbard
Huston
Jackson
Judah
Kenton
Lane
Lee
Leviston
Miller
Marshall

Murphey
Owen
Pabody
Proffit
Roe
Shook,
Stapp,
Tannehill
Thompson of A
Vance
Williams of W
Wines of V.,
Zenor and
Mr. Speaker—43.

So said resolution was adopted.

Ordered, That the clerk inform the Senate and ask their concurrence herein.

The following message was received from the Senate by Mr. Test, their Secretary:

MR. SPEAKER:

The Senate has passed engrossed bills of the House, entitled

No. 89, an act organizing Jasper county.

No. 160. An act to locate a State road from the west line of Hancock county, to New Castle in Henry county.

No. 211. An act to incorporate the Crawfordsville and Williamsport turnpike company.

No. 213. An act giving to the State of Illinois the right of way within this State, to connect the northern cross rail road in Illinois, with the Wabash and Erie canal at Covington.

No. 267. An act to incorporate the Indiana Manufacturing company.

Each with amendments, in which the concurrence of the House of Representatives is respectfully requested.

Also, the Senate has passed an engrossed bill thereof No. 312, entitled an act to appropriate a part of the three per cent. fund of Crawford county,

In which also the concurrence of the House is requested.

Also, the Senate has passed engrossed bills and a joint resolution as follows, each without amendment, to wit:

No. 72. An act to incorporate the town of Paoli, in Orange county.

No. 81. An act to incorporate the town of Martinsville, in Morgan county.

No. 178. An act to incorporate the town of New Boston, in Wayne county.

No. 218. An act to provide for opening and repairing public roads and highways in the county of Gibson.

No. 257. A joint resolution on the subject of a donation of public lands on the Erie and Michigan canal.

No. 258. An act for the relief of the collector of Jay county.

And No. 280. An act to incorporate the Elizabeth Steam Mill, Boat Ship Yard and Manufacturing Company.

The House refused to concur in the amendments made by the Senate to bill No. 89, named in the message.

And concurred in the amendments of the Senate to bills No. 160, 211, 213 and 267.

Ordered, That the Senate be informed thereof.

The following message was received from the Senate by Mr. Thompson of L., a member.

MR. SPEAKER:

I am instructed by the Senate to inform the House of Representatives, that the Senate has passed a bill, No. 165, entitled a bill to incorporate the Northfield Steam Mill Manufacturing Company.

In which they ask the concurrence of the House.

The Senate has also passed bills of the House

No. 266, a bill authorizing Arthur McClure to build a bridge across the Grand Calumet river.

No. 278. A bill for the suppression of professional gambling.

Without amendment.

Bill No. 165, named in the message, was read three times and passed.

Ordered, That the Senate be informed thereof.

The following message was received from the Senate by Mr. Martin, their Assistant Secretary.

MR. SPEAKER:

I am instructed by the Senate to inform the House of Representatives, that the Senate has passed an engrossed bill of the House No. 277, entitled an act to change the character of a part of the Madison and Lafayette road, with an amendment.

In which the concurrence of the House of Representatives is requested.

Mr. Gregory moved that the House refuse to concur in the amendment of the Senate.

When Mr. Perine moved the previous question,

Which was seconded by a majority of the House.

And on the question shall the main question be now put,

It was decided in the affirmative.

Whereupon the main question was put,
 Shall the amendment be concurred in.

And the ayes and noes being requested thereon by Messrs. Vandever and Milroy,

Those who voted in the affirmative were:

Messrs. Arnold	Glenn,	Porter
Bennett	Henley	Roe,
Boon	Hocker	Shook
Burns	Howell	Vandever
Carr	Jackson	Walpole
Cotton of P.	Leviston,	Wilson and
Cotton of S.	Macy	Zenor—23.
Ferris	Miller	

Those who voted in the negative were:

Messrs. Berry	Henricks	Peaslee
Blair	Herriman	Perine
Boyd	Hood	Proffit
Bryce	Hubbard	Reeve,
Brown	Huff	Richey
Carleton	Hurst	Ristine
Chamberlain	Huston	Robbins
Champer	Judah	Sims
Cox	Kenton	Smith of W.
Crume	Lane	Smydth of C
Cunningham	Lee	Stapp
Davis	Major	Tannehill
Dowling	Marshall	Thompson of A.
Eldridge	Matlock	Thompson of F.
Ferguson	McClure	Vence
Gaddis	McCrillus	Watson
Garrigus	Milroy	Whitman
Graham	Monroe	Williams of L.
Gregory	Morrison	Williams of R.
Haddon	Murphey	Williams W.
Hamel	Nickel	Wines of G & W
Hanna	Noble	Wines of V.
Hawkins	Osborn	Wyman and
Haymond	Owen	Mr. Speaker—74.
Helmer	Paboby	

Mr. Proffit presented the following communication from the Presi-

dent of the State Bank, and evidence in relation to transactions between J. B. E. Reid and said State Bank.

STATE OF INDIANA, SCT.

Before me the undersigned, President of the State Bank, come Alfred Harrison and David Williams, who being duly sworn, depose and say that in Oct. and part of Nov. last, they were directors of the Indianapolis Branch and on the exchange committee; that during that time the directors did not think it safe for them to discount notes except in small amounts, and in particular cases, that it was the wish of the Branch Board to furnish all the means in their power to exporters of produce and others wishing to pay funds abroad, and pay them punctually; that during said time no directors or stockholders, as these deponents understood, could have obtained funds to any amount out of the Branch without selling bills, that during the above period John B. E. Reid called upon these deponents (the other members of the committee not being present) to see if he could get money of the Branch to enable him to buy and take away hogs to the river; that these deponents told Reid that if there was money in the Bank he could have it for the purpose he was engaged in; that they went immediately to the Bank and ascertained that it could be had; that they then made an agreement with him to let him have \$4000. part at the time and the rest as it should be wanted, on bills payable at Cincinnati at three and four months, on which he was to be charged $1\frac{1}{4}$ to $1\frac{1}{2}$ exchange; that one of the deponents (Harrison) on enquiry by Reid, explained the nature of bills of exchange, by saying that the money must be paid at the bank where it was agreed to be. No arrangement was made in the contract for paying the bills at any place but where they were made payable, for Mr. Reid said that he was taking his pork to the river, and it would suit him to pay there, as his funds from the sale of his pork would be there before the bills became due; they know nothing about the Branch refusing to discount a note, as Mr. Reid never mentioned the subject to them, and neither of them said *that the Branch did not do business in that way*. These deponents have nothing more material to the subject, and further say not.

ALFRED HARRISON,
DAVID WILLIAMS.

Sworn to and subscribe before me, this 2d February, 1838.

J. MERRILL,
President State Bank.

STATE OF INDIANA, SCT.

Before me, the undersigned President of the State Bank, personally comes Harvey H. Bates, President of the Indianapolis Branch, and being duly sworn, deposes and says: That during the months of Oct. and Nov. last, he was one of the exchange committee of said branch; that no conversation was had by him with John B. E. Reid about paying or

renewing any of his bills at this place, except one, and this was only in case Mr. Reid could not sell his pork at the river. In that case on giving notice in time and paying one fourth, he was to have an extension of time for the balance; but if Mr. Reid was not obliged to go down the river with his pork, all his bills were to be paid there when they became due. This deponent went with Mr. Reid to Mr. Judah to have his evidence corrected, but could not effect it at the time, but was told by Mr. Reid and Mr. Judah that it should be corrected. This deponent has no knowledge of Mr. Reid's ever applying to him or the board for a note to be discounted at the time alluded to, and further saith not.

HERVEY BATES.

Sworn to and subscribed before me this 2 Feb. 1838.

S. MERRILL, P. S. B.

The above are correct copies of deposition taken by me in pursuance of an order of the State Board. The depositions in Livingston's case are not yet completed. I send you copies instead of calling as I intended, on account of circumstances that have since occurred.

Your obedient servant,

S. MERRILL.

MR. PROFFITT.

On motion of Mr. Proffitt the following resolution was adopted:

Resolved, That a select committee be appointed with instructions to enquire whether the chairman of the committee of investigation on the State Bank and Branches or any other member of the said committee, refused to correct, or permit John B. E. Reid, a witness before the committee, to correct his evidence given before said committee, and also to enquire whether said committee or its chairman did or did not lay the evidence of said Reid before him several days after said Reid had given his testimony with a request that he would correct it if any error had been made or any necessary explanation omitted.

Whereupon, Messrs. Gregory, Peaslee and Howell were appointed said committee.

Mr. Proffitt having been excused from serving on the committee at his own request.

Mr. Milroy made the following report:

MR. SPEAKER:

The select committee to which was referred a bill of the House No 374, amendatory to an act entitled, an act to provide for a General System of Internal Improvement, and also a bill regulating the compensation of officers engaged in prosecuting the System of Internal Improve-

ment, have had the same under consideration, and a majority of said committee have instructed me to report a substitute for the aforesaid bills which is herewith reported.

When said bill and substitute were referred to a committee of the Whole House and made the order of this day.

And then the House adjourned.

2 o'clock, P. M.

The House met.

On motion of Mr. Milroy,

The House resolved itself into a committee of the whole on bill No. 374, amendatory to an act entitled an act to provide for a General System of Internal Improvement, &c.

Mr. Graham in the Chair.

After some time spent therein, the committee rose.

And the chairman reported that the committee of the whole had according to order had said bill under consideration, and made sundry amendments.

In which he asked the concurrence of the House.

On motion,

The House concurred in the amendments generally

When Mr. Milroy moved further to amend by so modifying the 9th section of the bill where it authorizes the employment of a clerk, that he shall not have a greater salary than six hundred dollars per year salary, and such clerk shall be a qualified voter of the State of Indiana.

Which was adopted.

Mr. Whitman moved further to amend by the following section,

"That the Board of Internal Improvement shall not employ any Principal Engineer.

Which was decided in the negative.

Mr. Judah moved further to amend by adding the following section:

Sec. That so soon as the Vincennes and New Albany road shall be completed, the balance of the appropriation to that road which may remain unexpended is hereby appropriated to, and shall be expended under the direction of the said board in the improvement of the navigation of White river, and of the east and west forks thereof.

Which was decided in the negative.

Mr. Milroy moved further to amend by striking out so much thereof as

provides for a prospective reduction of the Board of Internal Improvements, and insert in lieu thereof the following:

That the Board of Internal Improvement is hereby reduced to five members, to be chosen by joint viva voce vote of the Senate and House of Representatives, and for the purpose of choosing said Board of Commissioners, the State shall be divided into five districts, as follows, viz: That portion of the State south of the township line, dividing township two and three north of the base line, shall constitute the first district; and that portion of the State north of the township line dividing townships twenty-six and twenty seven north, shall constitute the second district; and all that portion of the State west of the range line dividing ranges one and two, west of the principal meridian, and not included in either of the districts above established, shall constitute the third district; and all that portion of the State east of the range line dividing ranges seven and eight east of the aforesaid meridian, and not included in the first and second districts as before established, shall constitute the fourth district; and all that portion of the State not included in either the first, second, third or fourth districts as herein established, shall constitute the central or fifth district, and one of the commissioners as herein provided, shall be chosen in each of the aforesaid districts, who shall serve three years, and until their successors are chosen and qualified.

Provided, That at the first election they shall be classed as follows, that is to say, the commissioners chosen in the first and second districts shall serve three years; the commissioners on the third and fourth shall serve two years; and the commissioner on the fifth district shall serve one year, and every year the vacancies as they occur, shall be filled accordingly.

And provided, That in cases in which two or more commissioners shall fall in the same district as herein established, the two Houses shall determine by joint ballot, which of said commissioners shall be retained as the commissioner for the district, and such commissioner shall be the commissioner for such district, and the services of those not so chosen shall cease and determine thenceforth.

Whereupon a division of the question was called for.

And on the question of striking out,

And the ayes and noes being requested thereon by Messrs. Milroy and Bennett,

Those who voted in the affirmative were:

Messrs. Arnold	Garrigus,	Peaslee
Bennett	Glenn	Perine,
Blair	Gregory	Porter
Boon	Henley	Reeve
Boyd	Hocker	Roe
Bryce	Hurst,	Shook
Brown,	Huston	Smith of W.

Burns
Carr
Chamberlain
Cotton of S.
Cox
Ferguson
Ferris

Jackson
Kenton
Leviston
Major
McCrillus
Milroy
Noel

Vandever
Walpole
Williams of L.
Williams of R.
Wilson
Wyman and
Zenor—42.

Those who voted in the negative, were

Messrs. Berry
Carleton
Champer
Cotton of P.
Crume,
Cunningham
Davis
Dowling
Eldridge
Graham
Hamel
Hanna
Haymond
Helmer
Henricks
Herriman

Hood
Howell
Hubbard
Lane
Lee
Macy
Marshall,
Matlock
M'Clure
Miller
Monroe
Morrison
Murphey
Noble
Osborn
Owen

Pabody
Richey
Ristine
Sims
Smydth of C
Stapp
Tannehill
Thompson of A.
Thompson of F.
Vance
Watson
Whitmar
Williams of W.
Wines of V.
and Mr. Speaker.—47.

So said amendment was decided in the negative.

When,

Mr. Owen moved the previous question,

Which was seconded by a majority of the House,

And on the question shall the main question be he now put,

It was decided in the affirmative.

Whereupon the main question was put,

Shall the bill be engrossed,

And decided in the affirmative.

So said bill was ordered to a third reading.

Mr. Carr from the joint committee on enrolled bills made the following report:

MR. SPEAKER:

The joint committee on enrolled bills report that they compared the enrolled with the engrossed bills of the Senate entitled acts as follows, viz:

No. 45, an act authorizing the construction of a bridge over White river on th Michigan road.

No. 97, an act authorizing the arresting and securing fugitives from justice.

No. 172, an act establishing fire companies.

No. 177, an act legalizing certain proceedings in relation to the sale of certain school lands in Cass county.

No. 181, an act to provide for the establishment of a Horse Boat Ferry therein named, across the Wabash river at the town of Attica.

No. 180, an act to authorize Asher Wilcox to erect a dam across the east fork of White river in Lawrence county.

No. 112, a joint resolution for the benefit of the collector of Clark county for 1837.

And find the same truly enrolled,

Whereupon the Speaker signed the same.

Ordered, That the clerk carry them to the Senate for the signature of their President.

And then the House adjourned until to-morrow morning 9 o'clock.

SATURDAY MORNING, Feb. 10, 1838.

The House met.

On motion of Mr. Judah the previous orders of the day were suspended,

And the House proceeded to the consideration of Bills reported from the committee on revision.

On motion of Mr. Judah the committee of the whole, were discharged from the further consideration of the following bills,

Of the House,

No. 136, to regulate divorces.

No. 226, relative to limited partnerships,

No. 255, concerning tenants holding over.

No. 187, in relation to proceedings upon writs of *mandamus* and informations in the nature of *quo warranto*.

No. 175, directing the mode of suing out and prosecuting writs of habeas corpus.

No. 228, defining and regulating privileges.

No. 224, concerning vagrants.

No. 293, to provide for carrying into effect the laws in new counties.

No. 165, authorizing the actions of disemsen.

No. 251, authorizing the appointment of constables and defining their powers and duties.

No. 144, regulating distress for rent.

No. 186, to authorize the seizure of boats and other vessels for debt.

No. 167, concerning enclosures and trespassing animals.

No. 145, regulating the action of replevin.

No. 188, against forcibly entry and detainer.

No. 227, for the safe keeping of prisoners committed under the authority of the United States.

Bills of the Senate.

No. 84, respecting apprentices.

No. 90, to improve the breed of horses and sheep.

And said bills were severally read the third time and passed.

No. 138, regulating prisons and prison bounds,

Was read, when

Mr. Crume moved to strike out "state" and insert "county" as the limits of the prison bounds,

Which was decided in the negative.

Mr. Vandever moved to strike out all that relates to Prison bounds.

Which was also decided in the negative.

When said bill was read the third time and passed.

No. 146, to prevent unlawful gaming.

Was read,

When Mr. Bennet moved to amend by striking out so much as relates to fines for horse racing and shooting at mark.

Which was decided in the negative,

Mr. Crume moved to amend by striking out the 4th section,

Which was also decided in the negative.

When the bill was read the third time and passed.

No. 168, to regulate medical societies,

Was read the third time,

And on the question shall the bill pass?

And the ayes and noes being requested thereon by Messrs. Graham and Vandever,

Those who voted in the affirmative, were

Messrs. Arnold	Henley	Murphey
Blair,	Henricks	Nickel
Bryce	Hocker,	Perine
Brown	Hood	Porter
Cotton of P.	Huff	Richey
Cotton of S.	Hurst	Roe
Cox	Huston	Sims
Cunningham	Jackson	Smydth of C.
Davis	Judah	Watson
Ferguson,	Kenton	Williams of L.
Ferris	Lane	Williams of R.
Garrigus	Macy	Williams of W.
Glenn,	Matlock	Wilson
Hamel	M'Crillus	Wines of V.
Hawkins	McClure	Wyman and
Helmer	Miller	Zenor—48

Those who voted in the negative, were

Messrs. Bennett	Hubbard	Ristine
Berry	Jones,	Shook
Boon	Lee	Smith of W
Boyd	Leviston	Tannehill
Burns	Marshall,	Thompson of A
Carleton	Noble	Thompson of F.
Eldridge	Noel	Vandever
Graham	Osborn	Walpole
Hanna	Pabody	Whitman &
Haymond	Peaslee,	Mr. Speaker—33.
Herriman	Reeve	

So said bill passed.

No. 261. to encourage the killing of wolves was read,

When Mr. Smith of W. moved that said bill be indefinitely postponed.

And the ayes and noes being requested thereon by Messrs. Smith of W. and Herriman.

Those who voted in the affirmative were

Messrs. Arnold	Ferris	Macy
Bennett	Garrigus	Noble
Blair	Graham	Reeve
Carleton	Henley	Smith of W.
Cotton of P.	Hubbard	Williams of W.
Cox	Hurst	Zenor and
Cunningham	Jackson	Mr. Speaker.—23.
Ferguson	Leviston	

Those who voted in the negative were:

Messrs. Berry	Hood	Perine
Boon	Huston	Porter
Boyd	Judah	Ristine
Bryce	Kenton	Shook
Brown	Lane	Sims
Burns	Lee	Smydth of C.
Carr	Major	Stapp
Champer	Marshall	Tannehill
Cotton of S.	Matlock	Thompson of A.
Davis	McClure	Thompson of F.
Eldridge	McCrillus	Vance and
Glenn	Miller	Vandever
Hamel	Milroy	Walpole
Hanna	Monroe,	Watson
Hawkins	Murphey	Whitman
Haymond	Nickel	Williams of L.
Helmer	Noel	Williams of R.
Henricks	Osborn	Wilson
Herriman	Owen	Wines of V. and
Hocker	Pabody	Wyman—60

So said bill was not indefinitely postponed.

When Mr. Arnold moved to strike out so much as authorized pay from the State Treasury for wolf scalps.

Which was decided in the negative.

Mr. Burns moved the following amendment:

And any person keeping more than two dogs to any one family shall pay a county tax of fifty cents per year for each dog he may keep over the said number of two.

When Mr. Vandever moved the previous question.

Which was seconded by a majority of the House.

And on the question, shall the main question be now put?

It was decided in the affirmative.

Whereupon the main question was put,

Shall the bill pass?

And decided in the affirmative.

Ordered, That the clerk inform the Senate of the passage of said bill and ask their concurrence in the bills of the House.

No. 137, regulating the taking up of animals going astray, and water crafts, and other articles of value adrift.

Was referred to a select committee of Messrs. Perine, Crume, Osborn and Noel.

On motion of Mr. Owen the previous orders were suspended,

And bill No. 374, amendatory of an act to provide for a General System of Internal Improvement, approved Jan. 27. 1836, was considered.

When Mr. Vandever moved the previous question,

Which was seconded by a majority of the House.

And on the question,

Shall the main question be now put?

And was decided in the affirmative.

Whereupon the main question was put,

Shall the bill pass?

And was decided in the affirmative.

Ordered, That the Senate be informed, and their concurrence therein requested.

The Speaker laid before the House the following communication from the Auditor of Public Accounts.

AUDITOR'S OFFICE, }
Indianapolis, February 7, 1838. }

In answer to the resolution of the House of Representatives, requesting him to lay before the House a succinct account of the condition of the Indianapolis Fund, the auditor reports that the books of his office do not show a balance remaining in the hands of any agent of State for the town of Indianapolis, except the late agent, Ebenezer Sharpe, dec'd. It is proper to remark, however, that the books of this office, previous to 1829, do not show the accounts of all the agents, nor are there reports on file which would enable the Auditor to make up the accounts of each agent,

from the beginning of the agency up to that time, since 1829 the accounts have been kept with several agents, and by reference to Mr. Sharpe's account, it appears that the balance due the State is \$5,458 48. It is probable that there are accounts which will reduce this sum, but to what amount I am unable to say, as they have not been reported to this office. As the resolution appear rather indefinite, the auditor may have mistaken its object. If so, and he shall be advised of it, he will supply any additional information that his office may afford.

Respectfully submitted,

MORRIS MORRIS, A. P. A.

Which was referred to the committee of Ways and Means.

The Speaker laid before the House the annual report of the Fund Commissioners.

Which was laid upon the table, and 1000 copies ordered to be printed.

The Speaker laid before the House the following report of the Madison Savings Institution.

Which was laid upon the table.

Hon. THOS. J. EVANS,

Speaker of the House of Representatives:

In obedience to the requirements of the charter of the Madison Savings Institution, the directors thereof submit to the Legislature the following report: That since the last report to 1st of January, 1837, this institution has insured property to the amount of \$294,738 12, and that insurance unexpended to the 1st of January, 1838, amounts to \$93,359 00. That within that year they have paid out on losses, the sum of \$615 61. That within the same period of time there has been deposited in said institution, on general deposit, subject to withdrawal at any time, the sum of

Special deposit	\$182,485 27	
	4,105 00	
	<hr/>	\$186,580 27
Amount paid out on general deposit	\$168,789 63	
Amount special deposit paid out	3,115 00	
	<hr/>	\$171,904 63

The following is the account current of the institution to the 1st of January, 1838:

Capital stock	\$100,000 00	
Premium account	1,031 87	
Interest of	1,981 11	
Deposites	4,910 27	
	<hr/>	\$108,729 97

Stock notes	86,750 00	
Expense account	1,941 01	
Notes discounted	17,865 33	
Cash on hand	2,173 63	
	<hr/>	\$108,729 97

All of which is respectfully submitted.

M. STAPP, President.

The Speaker laid before the House a communication from the Auditor of Public Accounts, in relation to the affairs of the State Prison.

Which was referred to the committee on the Judiciary.

On motion of Mr. Jones,

The committee on Education was discharged from the further consideration of the various subjects referred to that committee.

Mr. Crume made the following report:

MR. SPEAKER:

The committee of Ways and Means, to whom was referred a bill of the House No. 371, entitled a bill to provide for the sale of certain lots at Indianapolis, and for other purposes, have had the same under consideration, and directed me to report the same back to the House with an amendment, which is by striking out the 8th section.

On motion, the House concurred in said amendment.

When the bill was read the third time and passed.

Ordered, That the clerk inform the Senate and ask their concurrence therein.

Mr. Chamberlain from the select committee to whom was referred a bill No. 366, for the appropriation of a portion of the three per cent. fund belonging to the counties of Allen, Whitley, Noble, Elkhart and St. Joseph to a State road therein named;

Reported the same back without amendment.

When said bill was laid upon the table.

Mr. Carr from the committee on enrolled bills made the following report:

MR. SPEAKER:

The joint committee on enrolled bills report that they have compared the enrolled with the engrossed bills of the Senate entitled acts as follows, to wit:

No. 40. an act to incorporate a certain company therein named.

No. 106, an act to amend the charter of the Borough of Vincennes.

No. 58, an act to locate a state road in the county of Boon,

And find the same truly enrolled.

Whereupon the Speaker signed the same.

Ordered, That the clerk carry them to the Senate for the signature of their President.

Mr. Graham from the joint committee on enrolled bills made the following report:

MR. SPEAKER:

The joint committee on enrolled bills report that they did this day compare the enrolled with the engrossed joint resolution and bills of the House.

92, an act to incorporate the Paoli Savings Institution.

191, an act for the relief of John Matthews.

No. 61, an act for the relief of Henry Matthews.

124, an act relating to the acts of householders in the county of Lake,

123, an act providing for the sale of certain school lands in the county of Sullivan.

258, an act for the relief of the collector of Jay county.

277, an act to change the character of a part of the Madison and Lafayette Rail Road.

213, an act giving the State of Illinois the right of way within the State to connect the northern cross rail road in Illinois, with the Wabash and Erie Canal at Covington.

257, a joint resolution on the subject of a donation of public lands on the Erie and Michigan Canal.

And find the same truly enrolled.

Whereupon the Speaker signed the same.

Ordered, that the clerk carry them to the Senate for the signature of their President.

Mr. Hood from the select committee to which was referred a bill of the House, No. 308, to provide for the further improvement of the Michigan road, reported the same back with one amendment.

And before any action thereon, the House, for the purpose of giving the use of the Hall to the Democratic Meeting, adjourned until Monday morning half past 8 o'clock.

MONDAY MORNING, Feb. 12, 1838.

The House met pursuant to adjournment.

The following message was received from the Senate by Mr. Test heir Secretary:

MR. SPEAKER:

The Senate has passed engrossed bills thereof entitled:

No. 86, an act providing for the support of illegitimate children.

No. 168, an act regulating the jurisdiction and duties of justices of the peace.

No. 174, an act relating to county seminaries.

No. 175, an act to authorize the loaning of the college funds.

No. 308, an act for the incorporation of county libraries.

No. 309, an act for the incorporation of agricultural societies.

No. 310, an act to incorporate the town of Terre-Haute.

No. 311, an act providing means by additional State Bank stock for liquidating interest on the Internal Improvement loans of the State.

No. 314, an act organizing the supreme court and defining its powers and duties.

In each of which the concurrence of the House is respectfully requested.

Also the Senate has passed engrossed bills of the House of Representatives, entitled:

No. 52, an act for the formation of the county of Blackford.

No. 189, an act dividing the State into judicial circuits and fixing the time of holding courts therein.

Each with amendments,

In which the concurrence of the House is also respectfully requested.

No. 86, named in the message was read the first and second time,

And referred to Messrs Marshall and Hurst.

No. 168, named in the message was twice read and referred to Messrs. Owen and Stapp.

No. 174, named in the message was read the first and second time and referred to Messrs. Carleton and Lane.

No. 175, named in the message was twice read and referred to Messrs. Bryce and Noel.

No. 310, named in the message was twice read and referred to a select committee of Messrs. Wines of V., Dowling and Smydth of C.

No. 309, named in the message was read the first and second time, and referred to a select committee of Messrs. Thompson of A. and Wines of V.

No. 308, named in the message was read three times and passed.

Ordered, That the Senate be informed thereof.

No. 311, named in the message was read the first and second time, When,

Mr. Chamberlain moved;

That said bill be laid upon the table.

And the ayes and noes being requested thereon by Messrs. Jackson and Hubbard.

Those who voted in the affirmative, were

Messrs. Bennett	Glenn	Monroe,
Boyd	Gregory,	Nickel,
Bryce,	Haddon	Osborn
Brown	Hanna	Owen
Burns	Howell	Peaslee
Carr	Huston	Perine
Chamberlain	Jackson	Richey
Cotton of P.	Judah	Roe
Cotton of S.	Leviston	Tannehill
Crume,	Major	Thompson of F
Davis	McCrillus	Vandever and
Ferris	Miller	Zenor—37
Garrigus		

Those who voted in the negative, were

Messrs. Berry	Huff	Ristine
Carleton	Hurst	Shook
Champer	Jones	Sims
Cox,	Kenton	Smith of W.
Dowling	Lane	Smydth of C
Eldridge	Lee	Stapp
Graham	Macy	Thompson of A
Hamel	Marshall	Vance
Hawkins	Matlock	Williams of L.

Haymond
Helmer
Henley
Henricks
Herriman
Hood
Hubbard

McClure
Murphey
Noble
Noel
Pabody
Porter
Reeve

Williams of R.
Williams of W
Wilson
Wines of G. and W
Wines of V.
Wyman and
Mr. Speaker—48

So said bill was not laid upon the table.

When,

Mr. Bryce moved that the bill be referred to a select committee.

And the ayes and noes being demanded by Messrs. Bryce and Huff

Those who voted in the affirmative, were

Messrs. Boyd
Bryce
Brown
Burns
Carr
Chamberlain
Cotton of P.
Cotton of S.
Crume
Ferris
Garrigus
Glenn

Haddon
Hanna
Henley,
Herriman
Howell
Hurst
Jackson
Judah,
Leviston
Major
Monroe
Nickel

Osborn
Peaslee
Ferine
Proffit
Richey
Roe
Thompson of F.
Vandever
Williams of L.
Wilson and
Zenor—35

Those who voted in the negative were,

Messrs. Bennett
Berry
Carleton
Champer
Cox
Davis
Dowling
Eldridge
Ferguson,
Graham
Gregory,
Hamel
Hawkins
Haymond
Helmer
Henricks
Hocker
Hood

Hubbard
Huff
Huston
Jones
Kenton
Lane
Lee
Macy
Marshall
Matlock
McClure
McCrillus,
Murphey
Noble
Owen
Pabody,
Porter

Reeve
Ristine
Shook
Sims
Smith of W.,
Smydth of C.
Stapp
Tannehill
Thompson of A.
Vance
Whitman
Williams of R.
Williams of W.
Wines of G. & W
Wines of V.
Wyman and
Mr. Speaker—52.

So said bill was not committed.

Whereupon a call of the House was ordered.

And on motion to suspend the further call.

The ayes and noes being requested by Messrs. Judah and Chamberlain.

Those who voted in the affirmative were:

Messrs. Arnold	Henricks	Noel
Carleton	Hocker	Owen
Champer	Hood	Paboby
Cotton of P.	Hubbard	Porter
Cox	Huff	Richey
Davis	Jones	Ristine
Dowling	Kenton	Sims
Eldridge	Lee	Smydth of C
Ferguson	Macy	Stapp
Ferris	Marshall	Thompson of A.
Graham	Matlock	Vance
Gregory	McClure	Williams W.
Hamel	McCrillus	Wines of G & W
Hawkins	Morrison	Wines of V. and
Haymond	Murphey	Mr. Speaker—47.
Helmer	Noble	

Those who voted in the negative were:

Messrs. Bennett	Herriman	Perine
Boyd	Howell	Reeve,
Bryce	Hurst	Roe,
Brown	Huston	Shook
Burns	Jackson	Smith of W.
Carr	Judah	Thompson of F.
Chamberlain	Leviston,	Vandever
Cotton of S.	Major	Williams of L.
Crume	Miller	Williams of R.
Garrigus	Monroe	Wilson
Glenn,	Nickel	Wyman and
Haddon	Osborn	Zenor—39.
Henley	Peaslee	

So the call of the House was suspended.

Mr. Crume moved to amend the bill as follows:

That it shall be lawful for the general assembly at any time by a vote of two thirds of each House to alter, amend, or change the number, the

mode of election, power and organization of the director of the State Bank, or if the Branches thereof, or of any of them; and that the commissioners of the Sinking Fund, shall forthwith adopt proper and efficient measures to distribute the amount of the Sinking Fund amongst the several counties in proportion to the polls in each, and that the said bank shall never change any addition to interest in the form of discount or exchange upon the purchase or discount of any fictitious or accommodation bills of exchange.

And the ayes and noes being requested thereon by Messrs. Vandever and Judah

Those who voted in the affirmative were :

Messrs. Arnold	Haddon	Monroe
Berry,	Hanna,	Nickel
Boyd	Henley	Peaslee
Bryce	Herriman	Perine,
Brown	Hocker	Proffit
Burns	Howell	Roe
Chamberlain	Hurst	Shook,
Cotton of P.	Huston	Thompson of F.
Cotton of S.	Jackson	Vance
Crume	Judah	Vandever
Davis	Lee	Walpole
Ferguson	Leviston	Whitman
Ferris	Major,	Williams of L,
Garrigus	McCrillus	Wilson and
Glenn	Miller	Zenor—46.
Gregory	Milroy,	

Those who voted in the negative, were

Messrs. Bennett	Jones	Ristine
Blair	Kenton	Sims
Carleton	Lane	Smith of W.
Champer	Macy,	Smydth of C.
Cox	Marshall	Stapp,
Dowling,	M'Clure	Tannehill
Eldridge	Morrison	Thompson of A
Graham	Murphey	Vance,
Hamel	Noble	Watson
Hawkins	Noel	Williams of R.
Haymond	Osborn	Williams of W
Helmer	Pabody	Wines of G. & W
Henricks,	Porter	Wines of V.
Hood	Reeve	Wyman and
Hubbard	Richey	Mr. Speaker—46.
Huff,		

So said amendment was lost.

And then the House adjourned.

2 o'clock, P. M.

The House met.

And resumed the consideration of bill No. 311, relative to the State Bank.

Mr. Milroy moved that said bill be laid upon the table.

And the ayes and noes being requested thereon by Messrs. Judah and Haymond,

Those who voted in the affirmative were

Messrs. Arnold,	Glenn	Nickel
Boon,	Gregory	Osborn,
Boyd,	Haddon,	Owen,
Bryce	Hanna,	Peaslee,
Brown	Herriman	Perine
Burns,	Howell,	Proffitt,
Carr,	Hurst,	Roe,
Chamberlain,	Huston	Shook
Cotton of P.	Jackson,	Thompson of F.
Cotton of S.,	Judah	Vandever,
Crume	Leviston,	Walpole,
Davis	Major,	Williams of L.
Ferguson	Miller,	Wilson and
Ferris	Milroy	Zenor—44.
Garrigus,	Monroe,	

Those who voted in the negative, were

Messrs. Berry,	Hubbard,	Sims
Blair	Jones	Smith of W.
Carleton	Kenton,	Smyth of C.
Champer	Lane	Stapp
Cox	Marshall	Tannehill
Dowling	Matlock	Thompson of A.
Eldridge,	M'Clure,	Vance,
Graham,	Murphey,	Watson,
Hamel	Noble	Whitman,
Hawkins	Noel	Williams of R.
Haymond	Pebody,	Williams of W.
Helmer,	Porter,	Wines of G. & W.
Henricks,	Reeve,	Wines of V.
Hocker,	Richey	Wyman and
Hood,	Ristine,	Mr. Speaker—45

So said bill was not laid upon the table.

Mr. Crume moved to refer the bill to a select committee.

And the ayes and noes being requested thereon by Messrs. Judah and Howell,

Those who voted in the affirmative, were

Messrs. Arnold,	Glenn,	Monroe
Berry	Gregory	Nickel
Boon	Haddon,	Osborn,
Boyd,	Hanna	Owen,
Bryce,	Helmer,	Pabody,
Brown	Howell,	Peaslee
Burns	Hurst	Perine
Carr,	Huston	Proffit
Chamberlain,	Jackson,	Roe
Cotton of P.,	Judah,	Shook
Cotton of S.,	Lee,	Thompson of F.,
Crume	Leviston,	Vandever,
Davis,	Major	Walpole,
Ferguson	McCrillus,	Whitman and
Ferris,	Miller,	Williams of L.,
Garrigus	Milroy,	—47.

Those who voted in the negative, were

Messrs. Bennett,	Hubbard,	Smith of W.,
Blair	Jones	Smydth of C.,
Carleton,	Kenton,	Stapp,
Champer	Lane	Tannehill,
Cox	Marshall	Thompson of A
Dowling	Matlock	Vance
Eldridge	McClure	Watson
Graham,	Murphey,	Williams of R.
Hamel,	Noble	Williams of W.,
Hawkins,	Noel,	Wilson,
Haymond,	Porter,	Wines of G. & W
Henricks,	Reeve,	Wines of V.,
Herriman,	Richey,	Wyman
Hocker	Kistine,	Zenor and
Hood,	Sims,	Mr. Speaker—45.

So said bill was committed.

Ordered, That Messrs. Crume, Wilson, Howell, Stapp and Dowling be that committee.

Mr. Crume moved the following instructions:

That the committee incorporate in the bill the following provisions:

That the legislature shall have power, by and with the consent of a majority of the branches, to increase the number of the branches to any number not exceeding one branch to every three counties.

And the Governor shall have power by proclamation to require the

several branches of the State Bank to resume specie payment within thirty days after the issuing of his proclamation.

That the legislature shall have power to elect one State Director to each additional Branch of the State Bank hereafter created.

That it shall not be lawful for said Bank or any Branch thereof, to make any loan to, or discount for stockholders, on any terms other than such as are usual on loans to other persons: and that the said Bank and branches shall not at any time purchase or discount any fictitious bills of exchange.

And the said Bank and Branches are hereby expressly prohibited from making any dividends whatever to individual stockholders, during the present suspension of specie payments, or during any suspension which hereafter may take place.

Provided, That no loan whatever shall be made for the purpose of adding any such bank capital, until the Branches of the State Bank of Indiana shall have resumed specie payment.

Mr. Champer moved to amend the instructions by striking out "three" and inserting "five" as the number of counties which should form a bank district,

Which was decided in the affirmative.

Mr. Proffitt moved further to amend the instructions so as to direct the committee to strike out of the bill the words "six years successively."

And the ayes and noes being requested thereon by Messrs. Proffitt and Herriman.

Those who voted in the affirmative were

Messrs. Arnold	Helmer	Owen
Bennett	Henley	Peaslee
Boon	Herriman	Perine
Boyd	Hocker	Proffit
Bryce	Howell	Reeve
Brown	Huston	Roe
Burns	Jackson	Shook
Carr	Judah	Smith of W.
Chamberlain	Leviston	Smydth of C.
Cotton of P.	Major	Thompson of F.
Cotton of S.	McCrillus	Vandever
Crume	Miller	Walpole
Ferguson	Milroy	Whitman
Ferris	Monroe,	Williams of L.
Garrigus	Nickel	Williams of R.

Glenn
Haddon
Hanna

Noel
Osborn

Wilson and
Zenor—52.

Those who voted in the negative were :

Messrs. Berry
Blair
Carleton
Champer
Cox
Davis
Dowling
Eldridge
Graham
Gregory
Hamel
Hawkins
Haymond
Henricks
Hood

Hubbard
Huff
Hurst
Jones
Kenton
Lane
Lee
Macy
Marshall
Matlock
McClure
Morrison
Murphey
Noble
Pabody

Porter
Richey
Ristine
Sims
Stapp
Tannehill
Thompson of A.
Vance
Watson
Williams of W.
Wines of G. & W.
Wines of V.
Wyman and
Mr. Speaker.—43.

So said amendment was decided in the affirmative.

Mr. Crume moved further to amend the instructions as follows:

“And that said committee be directed to embody in said amendments, all the provisions of the bill that passed this House some days since, on the subject of the State Bank, that are not contradictory to the instructions herewith sent.

And the ayes and noes being requested thereon by Messrs. Crume and Howell,

Those who voted in the affirmative were:

Messrs. Arnold
Blair
Bryce
Brown,
Burns
Carr
Chamberlain
Cotton of P.
Cotton of S.
Crume,
Ferris
Garrigus,
Glenn

Helmer
Henley
Herriman
Hurst,
Huston
Jackson
Jones
Judah
Leviston
Major
McCrillus
Miller
Milroy,

Owen
Peaslee
Perine,
Proffit
Roe
Shook
Smydth of C
Thompson of F.
Vandever
Walpole
Whitman
Williams of L.
Wilson

Gregory
Haddon
Hanna

Monroe
Nickle
Osborn

Wines of V. and
Zenor—47.

Those who voted in the negative, were

Messrs. Bennett
Berry
Boon
Carleton
Champer
Cox
Davis
Dowling
Eldridge
Graham
Hamel
Hawkins,
Haymond
Henricks
Hocker
Hood

Hubbard
Huff
Kenton
Lane
Lee
Macy
Marshall,
Matlock
M'Clure
Morrison
Murphey
Noble
Noel
Pabody
Porter

Reeve
Richey
Ristine
Sims
Smith of W.
Stapp
Tannehill
Thompson of A.
Vance
Watson
Williams of R.
Williams of W.
Wines of G. & W.
Wyman
and Mr. Speaker.—46

So said amendment was adopted.

When Mr. Haymond moved that the instructions be laid upon the table.

And the ayes and noes being requested thereon by Messrs. Haymond and Judah,

Those who voted in the affirmative, were

Messrs. Blair,
Carleton
Champer
Cox
Davis
Dowling
Eldridge
Gaddis
Hamel
Hawkins
Haymond
Henricks
Hocker,

Hood
Hubbard
Huff
Jones,
Kenton
Lane
Lee
Macy
Marshall,
Matlock
Noble
Porter
Richey

Ristine
Sims
Smith of W
Stapp
Tannehill
Thompson of A
Vance
Watson
Williams of W.
Wines of G. & W.
Wines of V. and
Mr. Speaker—36.

Those who voted in the negative, were

Messrs. Arnold
Bennett
Berry
Boon
Boyd

Hanna
Helmer
Henley
Herriman
Howell

Osborn
Owen
Pabody
Peaslee,
Perine

Bryce	Hurst	Proffit
Brown	Huston	Reeve
Burns	Jackson	Roe
Carr	Judah	Shook
Chamberlain	Leviston	Smydth of C.
Cotton of P.	Major	Thompson of F.
Cotton of S.	M'Crillus	Vandever
Crume	Miller	Walpole
Ferguson,	Milroy	Whitman
Ferris	Monroe	Williams of L.
Garrigus	Morrison	Williams of R.
Glenn,	Murphey	Wilson
Gregory	Nickel	Wyman and
Haddon	Noel	Zenor—56

So said motion to lie upon the table was decided in the negative.

When said instructions were adopted.

No. 314 named in the message was read the first and second time, and referred to Messrs. Jones and Judah.

On motion,

The House concurred in the amendments of the Senate to bill No. 152.

And the House refused to concur in the amendments made by the Senate to bill No. 189 named in the message, except the 5th amendment, which was concurred in with an amendment.

Ordered, That the Senate be informed, and their concurrence requested in the amendment of the House.

The following message was received from the Senate by Mr. Test, their Secretary:

MR. SPEAKER:

The Senate has concurred in the amendment of the House of Representatives to the joint resolution, and bill of the Senate entitled

No. 30. A joint resolution on the subject of the State Bank

No. 143. An act for the promotion of schools and education in Clark's grant.

Also, the Senate has concurred in the resolution of the House to go into the election of a Prosecuting Attorney of the seventh judicial circuit, on Wednesday next, at 2 o'clock, P. M.

The Speaker laid before the House a communication from the Treasurer of State, in reference to the surplus revenue in the county of Jay.

Which was referred to a select committee of Messrs. Davis, Vance and Burns.

The following message was received from the Senate by Mr. Test, their Secretary:

MR. SPEAKER:

I am directed to inform the House of Representatives, that the Senate have agreed to recede from its amendment to No. 277, a bill of the House to change the character of a part of the Madison and Lafayette road.

The House then proceeded to the consideration of the orders of the day.

Bills of the Senate,

No. 146. Prescribing the mode of authenticating copies from the records of the Board of Internal Improvement.

No. 140. A joint resolution for the benefit of the collector of Scott county, for the year 1837.

No. 109. Authorizing and regulating arbitrations.

No. 85. To authorize the vacation of towns.

No. 127. Relative to fugitives from labor.

No. 145. To amend an act entitled an act organizing circuit courts and defining their powers and duties, approved Jan. 24, 1831.

Were severally read the third time and passed.

Of the House,

No. 293. A joint resolution relative to the purchase of maps.

No. 301. Declaring Big creek a public highway.

No. 302. To change the name of a town.

No. 319. To legalize the proceedings of the school commissioners of Spencer county.

No. 314. To authorize the board doing county business in the county of Spencer, to grant a license to John Meeks, to retail liquors and vend foreign and domestic groceries.

No. 241. To provide for taking depositions in certain cases therein named.

Were severally read the third time and passed.

Ordered, That the clerk inform the Senate, and ask their concurrence in said bills of the House.

No. 178 of the Senate, to provide for the security of the State House.

Was referred to a select committee of Messrs. Crume, Hanna, Jones, and Morrison.

No. 76. To amend an act entitled an act to provide for a General System of Internal Improvement, approved January 27, 1836.

Was read the third time,

And on the question shall the bill pass?

And the ayes and noes being requested thereon by Messrs. Gregory and Noel.

Those who voted in the affirmative, were

Messrs. Arnold	Hurst	Richey
Berry	Huston	Roe
Bryce	Jackson	Smith of W.
Carleton	Judah	Smydth of C.
Chamberlain	Lane	Stapp
Champer	Lee	Tannehill
Cox	Macy	Thompson of A.
Crume	Major	Thompson of F.
Davis	McClure	Vance
Dowling	McCrillus	Vandever
Eldridge	Miller	Watson
Glenn	Milroy	Whitman
Graham	Monroe	Williams of L.
Hanna	Morrison	Williams of R.
Hawkins	Murphy	Williams of W.
Haymond	Noble	Wines of G. & W.
Helmer	Osborn	Wines of V.
Henricks	Pabody	Wyman and
Howell	Perine	Mr. Speaker.—57.
Hubbard	Proffit	

Those who voted in the negative, were

Messrs. Bennet	Garrigus	Nickel
Blair	Gregory	Noel
Boon	Haddon	Peaslee
Boyd	Hamel	Porter
Burns	Herriman	Reeve
Carr	Hocker	Shook
Cotton of P.	Hood	Walpole
Cotton of S.	Kenton	Wilson and
Ferris	Marshall	Zenor—27.

So said bill passed.

Ordered, That the clerk inform the Senate and ask their concurrence therein.

No. 14, of the Senate, a joint resolution of the General Assembly of the State of Indiana, on the subject of rescinding the Treasury Circular;

Was read the third time,

When Mr. Perine moved that it be laid upon the table.

And the ayes and no s being requested thereon by Messrs. Chamberlain and Perine,

Those who voted in the affirmative, were

Messrs. Arnold	Garrigus	Milroy
Boon	Glenn	Monroe
Bryce	Graham	Nickel
Brown	Haddon	Peaslee
Burns	Herriman	Perine
Carleton	Howell	Roe
Carr	Huston	Shook
Chamberlain	Jackson	Thompson of F,
Crume	Leviston	Vandever and
Davis	Major	Whitman.—32.
Ferris	Miller	

Those who voted in the negative, were:

Messrs. Bennet	Hurst	Richey
Berry	Jones	Ristine
Blair	Judah	Sims
Boyd	Kenton	Smith of W.
Champer	Lane	Smydth of C.
Cotton of P.	Lee	Stapp
Cotton of S.	Macy	Tannehill
Cox	Marshall	Thompson of A.
Dowling	Matlock	Vance
Eldridge	McClure	Walpole
Gregory	McCrillus	Watson
Hamel	Morrison	Williams of R.
Hanna	Murphey	Williams of L.
Hawkins	Noble	Williams of W.
Haymond	Noel	Wilson
Helmer	Osborn	Wines of G. & W.
Henricks	Pabody	Wines of V.
Hocker	Porter	Wyman
Hood	Proffitt	Zenor and
Hubbard	Reeve	Mr. Speaker.—60

So said joint resolution was not laid upon the table.

When Mr. Graham moved that it be committed with instructions to amend so "That no bank note of a less denomination than ten dollars shall be received for public dues or for lands."

Mr. Jones moved to amend the instructions as follows:

That said committee be further instructed to amend said joint resolution so that it shall express the sense of this General Assembly to be that the Sub-Treasury Scheme is dangerous to the liberties of the people, contrary to the principles of republicanism, tending to the concentration of the powers of the General Government in the hands of the Executive, and destructive to the constitutional independence of the several States of the Union.

When Mr. Hubbard moved the previous question,

Which was seconded by a majority of the House.

And on the question shall the main question be now put?

And the ayes and noes being demanded by Messrs. Herriman Miller.

Those who voted in the affirmative, were

Messrs. Bennett	Hubbard	Proffit
Berry	Hurst	Reeve
Blair	Jones	Richey
Boyd	Judah,	Ristine
Champer	Kenton	Roe
Cotton of P.	Lane	Sims
Cotton of S.	Lee	Smith of W.,
Cox	Macy	Smydth of C.
Dowling	Marshall	Stapp
Gregory,	Matlock	Thompson of A.
Hamel	McClure	Vance
Hanna	McCrillus,	Walpole
Hawkins	Morrison,	Williams of R.
Haymond	Murphey	Williams of W.
Helmer	Noble	Wilson
Henricks	Noel	Wines of G. & W
Hocker	Pabody,	Zenor and
Hood	Porter	Mr. Speaker—57.

Those who voted in the negative were,

Messrs. Arnold	Glenn	Monroe
Boon	Graham	Nickel
Brown	Haddon	Osborn
Burns	Henley,	Peaslee
Carleton	Herriman	Perine
Carr	Howell	Shook
Chamberlain	Huston	Tannehill
Crume	Jackson	Thompson of F.

Davis
Eldridge
Ferris
Garrigus

Leviston
Major
Miller
Milroy

Vandever
Whitman
Williams of L. and
Wyman—36

So the main question was ordered to be put,

Whereupon the main question was put,

Shall the joint resolution pass?

The ayes and noes being requested by Messrs. Walpole and Carleton,

Those who voted in the affirmative were:

Messrs. Bennett

Berry
Blair
Champer
Cotton of P.
Cotton of S.
Cox
Dowling
Eldridge
Gregory
Hamel
Hanna
Hawkins
Haymond
Helmer
Henricks
Hocker
Hood
Hubbard

Hurst

Huston
Jones
Judah
Kenton
Lane
Lee
Macy
Marshall
Matlock
McClure
McCrillus
Morrison
Murphey
Noble
Noel
Paboby
Porter
Proffitt

Reeve,

Richey
Ristine
Sims
Smith of W.
Smydth of C
Stapp
Thompson of A.
Vance
Walpole
Watson
Williams of R.
Williams W.
Wilson
Wines of G & W
Wines of V.
Zenor and
Mr. Speaker—55.

Those who voted in the negative were:

Messrs. Carleton

Carr
Davis

Ferris
Graham
Howell

Whitman
Williams of L. and
Wyman—9.

Whereupon it appeared that only sixty four members had voted.

There not being a quorum Mr. Jones moved a call of the House.

When Mr. Garrigus moved that the House adjourn until to-morrow morning 9 o'clock.

And the ayes and noes being requested thereon by Messrs. Garrigus and Bryce.

Those who voted in the affirmative, were

Messrs. Bryce,	Gregory,	Monroe,
Frown	Hanna	Nickel,
Burns	Herriman	Osborn
Carleton	Howell	Pabody and
Chamberlain	Major	Thompson of F
Garrigus	Milroy	

—17

Those who voted in the negative, were

Messrs. Arnold	Hood	Reeve
Bennett	Hubbard	Richey
Eerry	Hurst	Ristine
Blair,	Huston	Roe
Boon	Jackson	Shook
Boyd	Jones	Sims
Carr	Judah	Smith of W.
Champer	Kenton	Smydth of C
Cotton of P.	Lane	Stapp
Cotton of S.	Lee	Tannehill
Cox,	Leviston	Thompson of A
Davis	Macy	Vance
Dowling	Marshall	Vandever
Eldridge	Matlock	Walpole
Ferris	McClure	Watson,
Glenn	McCrillus	Whitman
Graham	Miller	Williams of L.
Haddon	Morrison,	Williams of R.
Hamel	Murphey	Williams of W
Hawkins	Noble	Wilson
Haymond	Noel	Wines of G. and W
Helmer	Peaslee	Wines of V.
Henley	Perine	Zenor
Henricks	Porter	Wyman and
Hlocker	Proffitt	Mr. Speaker—75

So the House did not adjourn.

And on the question,

Shall the joint resolution pass.

And the ayes and noes being requested thereon by Messrs. Hubbard and Bryce,

Those who voted in the affirmative were:

Messrs. Bennett	Hurst	Reeve
Berry,	Huston	Richey
Blair	Jones	Ristine
Boyd	Judah	Roe
Champer	Kenton	Sims

Cotton of P.
Cotton of S.
Cox
Dowling,
Eldridge
Gregory
Hamel
Hanna,
Hawkins
Haymond
Helmer
Henricks,
Hocker
Hood
Hubbard

Lane
Lee
Macy,
Marshall
Matlock,
M'Clure
McCrillus
Morrison
Murphey
Noble
Noel
Pabody
Porter
Proffit

Smith of W.
Smydth of C.
Stapp,
Thompson of A
Vance,
Walpole
Watson
Williams of R.
Williams of W
Wilson
Wines of G. & W
Wines of V.
Zenor and
Mr. Speaker—58.

Those who voted in the negative, were

Messrs. Bryce
Carleton
Carr
Davis

Graham
Henley
Howell
Osborn

Vandever
Whitman
Williams of L, and
Wyman—21. 2

So said joint resolution passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Ferguson asked leave to have his vote recorded in the affirmative on the passage of the above resolutions.

It requiring a unanimous vote, and objection made,

Leave was not granted.

Mr. Graham from the joint committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The joint committee on Enrolled Bills, report that they did this day compare the enrolled with the engrossed bills of the House,

And find the same truly enrolled, to wit:

153, an act for the relief Campbell Dale.

160, an act to locate a state road from the west line of Hancock county to New Castle in Henry county.

280, an act to incorporate the Elizabeth Steam Mill, Boat, Ship Yard and Manufacturing Company.

Whereupon the Speaker signed the same.

Ordered, That the clerk carry them to the Senate for the signature of their President.

Mr. Graham from the joint committee on enrolled bills made the following report:

MR. SPEAKER:

The joint committee on enrolled bills report that they did this day present to His Excellency the Governor for his approval and signature the following bills, to wit:

No. 45, an act authorizing the construction of a bridge over White river on the Michigan road.

No. 180, on act to authorize Asher Wilcox to erect a dam across the east fork of White river in Lawrence county.

No. 181, an act to provide for the establishment of a horse boat ferry therein named, across the Wabash river at Attica.

No. 172, an act establishing Fire Companies.

No. 177, an act legalizing certain proceedings in relation to the sale of certain school lands in Cass county.

No. 97, an act authorizing the arresting and securing fugitives from justice.

Also, a joint resolution,

No. 112, a joint resolution for the benefit of the Collector of Clark county for 1837.

The following message was received from the Governor by Mr. Maquire his private Secretary:

MR. SPEAKER:

His Excellency the Governor has approved and signed acts and a joint resolution, entitled as follows, viz:

No. 45, an act authorizing the construction of a bridge over White river on the Michigan road,

No. 180, an act to authorize Asher Wilcox to erect a dam across the east fork of White river in Lawrence county.

No. 181, an act to provide for the establishment of a horse boat ferry therein named across the Wabash river at the town of Attica,

No. 172, an act establishment Fire Companies.

No. 177, an act legalizing certain proceedings in relation to the sale of certain school lands in Cass county.

No. 97, an act authorizing the arresting and securing fugitives from justice.

No. 112, a joint resolution for the benefit of the Collector of Clark county for 1837.

And then the House adjourned until to-morrow morning 9 o'clock.

TUESDAY MORNING, FEB. 13, 1838.

The House met pursuant to adjournment.

Mr. Williams of L. presented the memorial of John Vestral and Daniel R. Dunnihue, President and Cashier of the Branch of the State Bank of Indiana at Bedford in behalf of the Directors of said Branch relative to disbursements for internal Improvement purposes,

Which was referred to the committee on State Bank.

On motion of Mr. Cotton of P.,

Leave of absence is granted Mr. Gaddis for the remainder of the present session.

On motion of Mr. Bryce,

Leave of absence is granted Mr. Glenn, for the remainder of the session, from and after Thursday next.

Mr. Carleton, presented the remonstrance of William Ellit and other citizens of Fountain county, against any change in that part of the state road from Covington to Newtown between the points aforesaid.

Which was referred to the committee on roads.

Mr. Hurst from the committee on canals and internal improvement to whom was referred a joint resolution No. 303, in relation to the road between Jeffersonville and New Albany reported the same back to the House without amendment.

When,

Mr. Berry moved to lay the same on the table.

Which motion was decided in the negative.

Mr. Berry moved to postpone the further consideration of the joint resolution indefinitely.

When,

Mr. Sims moved the previous question,

Which was seconded by a majority of the House,

And on the question shall the main question be now put,

It was decided in the affirmative.

Whereupon the main question was put,

Shall the bill pass?

And decided in the affirmative.

Ordered, That the clerk inform the Senate thereof, and ask their concurrence therein.

On motion of Judah the previous orders of the day were suspended or the purpose of receiving reports from select committees and the introduction of new business.

The report made by Mr. Hood from a select committee, suggesting amendments to bill No. 308, to provide for the further improvement of the Michigan road, being first in order, was taken up,

When Mr. Vandever moved that the bill with the proposed amendments do lie upon the table.

And the ayes and noes being requested thereon by Messrs. Peaslee and Hood,

Those who voted in the affirmative, were:

Messrs. Arnold	Haddon	Osborn
Bennet	Haymond	Pabody
Berry	Helmer	Reeve
Brown	Howell	Roe
Carleton	Jackson	Sims
Carr	Jones	Tannehill
Cotton of P.	Leviston	Vandever
Cotton of S.	Macy	Walpole
Crume	Miller	Williams of L.
Davis	Murphey	Williams of R. and
Ferguson	Noel	Zenor.—35.
Graham		

Those who voted in the negative, were

Messrs. Blair	Herriman	Noble
Boon	Hocker	Owen
Boyd	Hood	Peaslee
Bryce	Huff	Perine
Burns	Hurst	Porter
Chamberlain	Huston	Proffitt
Champer	Judah	Richey
Cox	Kenton	Ristine
Dowling	Lane	Shook
Eldridge	Lee	Smith of W.
Ferris	Major	Stapp
Garrigus	Marshall	Vance
Glenn	Matlock	Watson
Gregory	McClure	Williams of W.
Hamel	McCrillus	Wilson
Hanna	Milroy	Wines of G. & W.
Hawkins	Monroe	Wines of Vigo &
Henley	Morrison	Mr. Speaker.—56.
Henricks	Nickel	

Add so said motion was decided in the negative.

And the question recurring on the concurrence by the House in the amendments reported by the committee, it was put.

And the amendments were concurred in by the House.

Mr. Smith of W. moved to amend the bill by adding the following as an additional section:

Sec. ——. That the Board of Internal Improvement also cause a survey to be made from Centreville on Noland's Fork of White Water to some convenient point on the White Water Canal, and report the cost of a canal on that route to the next session of the General Assembly of this State, with a view to the incorporation of a company to construct the same.

And before the question was taken thereon.

Mr. Howell moved that the bill and the proposed amendment be indefinitely postponed.

And the ayes and noes being requested thereon by Messrs. Miller and Peaslee,

Those who voted in the affirmative were

Messrs. Arnold,	Graham,	Murphey,
Benett	Haddon,	Noel
Berry,	Haymond	Osborn,
83		

Boon,
Brown
Carleton
Carr,
Cotton of P.
Cotton of S.,
Crume
Davis
Ferguson
Garrigus,

Helmer,
Herriman
Howell,
Hubbard,
Jackson,
Jones
Lee,
Leviston,
Macy
Miller,

Pabody,
Reeve,
Roe,
Sims
Tannehill
Vandeveer,
Walpole,
Williams of L.
Williams of R. and
Zenor—39.

Those who voted in the negative, were

Messrs. Blair
Boyd,
Bryce
Burns,
Chamberlain,
Champer
Cox
Dowling
Eldridge,
Ferris
Glenn
Gregory
Hamel
Hanna,
Hawkins
Henley
Henricks,
Hocker,

Hood,
Huff
Hurst,
Huston
Judah
Kenton,
Lane
Major,
Marshall
Marlock
M'Clure,
McCrillus
Milroy
Monroe,
Morrison
Nickel
Noble
Owen,

Peaslee,
Perine
Porter,
Proffitt,
Richey
Ristine,
Shook
Smith of W.
Smydth of C.
Stapp
Thompson of A.
Watson,
Whitman,
Williams of W
Wilson
Wines of G. & W.
and Wines of V.—53

And so said motion did not prevail.

When Mr. Haymond moved the previous question,

Which was seconded by a majority of the House.

And on the question shall the main question be now put,

It was decided in the affirmative.

Whereupon the main question was put,

Shall the bill be engrossed?

And the ayes and noes being requested thereon by Messrs. Perine and Berry,

Those who voted in the affirmative, were

Messrs. Boon
Bryce,
Burns
Chamberlain,

Hood,
Hubbard,
Huff,
Judah,

Perine
Proffit
Ristine,
Smydth of C.,

Champer
Cox
Dowling
Eldridge
Ferris,
Hamel,
Hanna
Henricks,
Herriman,
Hocker

Kenton,
Lane
Major
Marshall
Matlock
McClure
Milroy,
Morrison
Noble
Owen,

Stapp,
Tannehill,
Thompson of A
Vance
Watson
Whitman
Williams of W.,
Wines of G. & W
Wines of V., and
Mr. Speaker—42.

Those who voted in the negative, were

Messrs. Arnold,
Bennett,
Berry
Blair
Boyd,
Brown
Carleton,
Carr,
Cotton of P.,
Cotton of S.,
Crume
Davis,
Ferguson
Garrigus
Glenn,
Graham,
Gregory

Haddon,
Haymond,
Henley
Howell,
Hurst
Huston
Jackson,
Jones
Lee,
Leviston,
Macy
McCrillus,
Miller,
Monroe
Murphey,
Nickel
Noel,

Osborn,
Pabody,
Peaslee
Porter,
Reeve,
Richey,
Roe
Shook
Sims,
Smith of W.,
Vandever,
Walpole,
Williams of L.,
Williams of R.
Wilson, and
Zenor
—50.

So said bill was not ordered to be engrossed.

Mr. Blair introduced a bill No. 375, to amend an act entitled, an act to incorporate the town of Greensburg in Decatur county, approved Feb. 4, 1837;

Which, after the suspension of the rules of the House for that purpose, was read a first, second and third time and passed.

Ordered, That the clerk inform the Senate thereof and ask their concurrence.

Mr. Bryce from a select committee to which was referred an engrossed bill of the Senate, No. 675, to authorize the loaning of the College Funds, reported the same to the House with one amendment;

Which was concurred in,

And the bill read a third time and passed.

Ordered, That the clerk inform the Senate thereof, and ask their concurrence in the amendments made thereto by the House.

Mr. Burns from the committee on Canals and Internal Improvements, made the following report:

MR. SPEAKER:

The committee of Canals and Internal Improvements, to which was referred a joint resolution No. 365, authorizing a survey and estimate of a rail road from Perrysville in Vermillion county, to the Illinois State line, have had that subject under consideration, and I am instructed by the chairman to report the same back to the House with one amendment.

Which was concurred in,

When, on motion of Mr. Stapp,

Said joint resolution was laid upon the table.

Mr. Carleton from the select committee to which was referred a bill of the Senate No. 174, relating to county seminaries, reported the same back to the House without amendment.

And the bill was read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Chamberlain presented the petition of James Robertson and others, citizens of Fulton and Kosciusko counties, on the subject of a State road.

Which was referred to a select committee of Messrs. Chamberlain, Perrine and Watson.

Mr. Crume made the following report:

MR. SPEAKER:

The select committee to which was referred two bills of this House the one No. to amend an act entitled an act to provide for a General system of Internal Improvement, approved January 27, 1836, the other a bill No. 299, entitled a bill to authorize the Board of Internal Improvements to let water power in certain cases, have had the subject matter contained in said bills under consideration, and a majority of said committee have directed me to report them back to the house, and recommend that they be laid on the table.

And on the question,

Will the House concur in the report of the select committee?

And the ayes and noes being requested thereon by Messrs. Carleton and Crume.

Those who voted in the affirmative were

Messrs. Arnold	Hood	Pabody
Bennett	Howell	Peaslee
Berry	Hubbard	Proffit
Blair	Huff	Reeve
Boon	Huston	Richey
Bryce	Jackson	Ristine
Carr	Jones	Robbins
Chamberlain	Judah	Roe
Champer	Kenton	Shook
Cotton of P.	Lane	Sims
Cotton of S.	Lee	Smith of W.
Cox	Leviston	Tannehill
Crume	Macy	Vance
Davis	Major	Vandever
Dowling	Matlock	Walpole
Ferguson	McCrillus	Watson
Ferris	Miller	Williams of L.
Garrigus	Monroe,	Williams of W.
Glenn	Murphey	Wilson
Graham	Noel	Wines of V.
Haymond	Osborn	Wyman and
Henley	Owen	Zenor—67.
Hocker		

Those who voted in the negative were:

Messrs. Burns	Henricks	Smydth of C.
Brown	Hurst	Stapp
Carleton	Marshall	Thompson of A.
Eldridge	McClure	Whitman
Gregory	Milroy	Wines of G. & W.
Haddon	Morrison	and
Hamel	Noble	Mr. Speaker.—22.
Hawkins	Porter	

And so said report was concurred in by the House.

Mr. Dowling presented a bill No. 376, to incorporate the Union rail road company,

Which was read the first time, and after a suspension of the rules of the House, was also read a second time, and referred to a select committee of Messrs. Dowling, Wines of V. and Noel.

Mr. Hamel introduced a bill No. 377, to amend the act entitled an act to extend the Erie and Michigan canal, approved Feb. 4, 1837.

Which was read the first time, and after a suspension of the rules for the House for that purpose, was read a second time.

When Mr. Perine moved to refer it to the committee on Canals and Internal Improvements, with the following instructions, to wit:

To authorize and direct the Board of Internal Improvements to cause a survey and estimate to be made of the Erie and Michigan canal, commencing at the summit level, thence on the nearest and most practicable route to the navigable waters of the Kankakee river, with a view of connecting said canal with the Illinois canal, at or near the State line.

Mr. Hamel moved the previous question,

Which was seconded by a majority of the House,

And on the question shall the main question be now put?

It was decided in the affirmative.

And on the question, shall the bill be engrossed?

And the ayes and noes being requested thereon by Messrs. Perine and Peaslee.

Those who voted in the affirmative, were

Messrs. Boyd	Henricks	Owen
Bryce	Herriman	Ristine
Burns	Hocker	Sims
Carleton	Hood	Smydth of C.
Chamberlain	Hubbard	Stapp
Cox	Jones	Tannehill
Dowling	Judah	Thompson of A.
Eldridge	Kenton	Vance
Graham	Lee	Watson
Gregory	Major	Whitman
Hamel	Marshall	Williams of W.
Hanna	McClure	Wines of G. & W.
Hawkins	Milroy	Wines of V. and
Haymond	Murphy	Mr. Speaker.—42.

Those who voted in the negative, were

Messrs. Arnold	Howell	Peaslee
Bennet	Hurst	Perine
Berry	Huston	Porter

Blair	Jackson	Proffit
Boon	Lane	Reeve
Brown	Leviston	Richey
Carr	Matlock	Roe
Cotton of P.	McCrillus	Shook
Cotton of S.	Miller	Smith of W.
Crume	Monroe	Vandever
Davis	Morrison	Walpole
Ferguson	Nickel	Williams of L.
Ferris	Noble	Williams of R.
Garrigus	Noel	Wilson
Glenn	Osborn	Wyman and
Henley	Pabody	Zenor—48.

And so said bill was not ordered to be engrossed.

Mr. Hanna made the following report:

MR. SPEAKER:

The chairman of the joint committee on public buildings have, in connection with the chairman of said committee of the Senate, examined the account and vouchers of the Treasurer of State in relation to the expenditures for labor and repairs about the State House and have found them correct, and the committee of this House have directed me to report a section for the specific appropriation bill, allowing the Treasurer's account, and authorizing it to be audited.

On motion, the report was concurred in.

Mr. Haymond introduced a joint resolution No. 378, on the subject of the revision of the laws;

Which was read the first time, and the rules of the House having been suspended for that purpose, the same was read a second time.

When Mr. Judah moved to amend the joint resolution by striking it out from the enacting clause and inserting a substitute therefor.

Mr. Champer moved to postpone indefinitely the further consideration thereof,

Which was decided in the negative.

A division of the question being called for, the question was taken on striking out the joint resolution from the resolving clause,

And decided in the negative.

Mr. Vandever then moved to amend the same, by striking out the second resolution.

Which motion was also decided in the negative.

Mr. Hanna moved to amend by striking out the name of Isaac Black-

ford, where it occurs in said joint resolution, and to insert the names of David Mounts, H. P. Coburn and N. B. Palmer, in lieu thereof.

Which motion did not prevail.

The question then recurring on the adoption of the amendment proposed by Mr. Judah,

It was put and carried in the affirmative.

And after a suspension of the rules of the House, the joint resolution as amended,

Was read a third time,

And on the question shall the joint resolution pass?

And the ayes and noes being requested thereon by Messrs. Hanna and Dowling,

Those who voted in the affirmative were:

Messrs. Arnold	Howell	Reeve
Bennett	Hubbard	Richey
Berry	Hurst,	Ristine
Blair	Huston	Roe
Brown,	Jones	Sims
Carleton	Judah	Smith of W.
Chamberlain	Lee	Smydth of C
Cotton of P.	Leviston	Stapp
Cox	Marshall,	Tannehill
Crume,	Matlock	Thompson of A.
Davis	M'Clure	Watson
Ferguson	McCrillus	Whitman
Ferris	Miller	Williams of L.
Garrigus,	Milroy	Williams of R.
Graham	Monroe	Williams of W.
Gregory	Murphey	Wilson
Hamel	Osborn	Wines of G. & W
Hawkins,	Owen	Wines of V.
Haymond	Pabody	Wyman
Henricks	Peaslee	Zenor and
Herriman	Perine,	and Mr. Speaker.—63.
Hocker		

Those who voted in the negative, were

Messrs. Boyd	Glenn	Morrison
Boon	Hanna	Noble
Bryce	Henley	Noel
Burns	Jackson	Porter
Cotton of S.	Kenton	Shook
Dowling	Lane	Vandever and
Eldridge	Macy	Walpole—20.

And so said joint resolution passed.

Ordered, That the clerk inform the Senate thereof, and ask their concurrence.

Mr. Henley introduced a bill No. 379, to change a part of a state road leading from Charlestown to Jeffersonville.

Which was read three times, the rules of the House having been dispensed with and passed.

Ordered, That the clerk inform the Senate thereof and ask their concurrence.

Mr. Henricks made the following report from the committee on Corporations:

MR. SPEAKER:

The committee on Corporations to which was referred bill No. 114, to incorporate the South Bend and Wesaw Canal Company, have had the same under consideration, and have instructed me to report it back without amendment.

When said bill was read the third time and passed.

Ordered, That the clerk inform the Senate, and ask their concurrence therein.

Mr. Gregory from the select committee appointed to investigate the transactions of the committee heretofore appointed to investigate the affairs of the State Bank and Branches, reported thereon the opinion of the committee, together with evidence taken before them.

When the Speaker laid before the House a communication from H. Bates, President of the Indianapolis Branch Bank, explanatory of his evidence heretofore laid before the House.

Whereupon the report of the committee was concurred in.

And 1000 copies of the report, evidence and explanatory letter, were ordered to be printed.

And then the House adjourned.

2 o'clock, P. M.

The House met.

Mr. Wyman from the select committee on that subject introduced a bill No. 397, for the relief of Willis G. Atherton.

Which was twice read and ordered to a third reading on to-morrow.

Mr. Matlock introduced a bill No. 384, on the subject of the McAdamized road from this to Crawfordsville.

Which was twice read and laid upon the table.

Mr. McClure introduced a bill No. 385, to amend an act entitled an act to extend the Erie and Michigan canal, approved February 4, 1837.

Mr. Williams of R. introduced a joint resolution No. 396, regulating the per diem allowance of the members of the General Assembly,

Which were twice read and laid upon the table.

Mr. Owen introduced a bill No. 387, to amend an act entitled an act for the apportionment of Senators and Representatives, approved January 13, 1836.

Which was twice read and laid upon the table.

Mr. Chamberlain introduced a bill No. 378, to authorize the board doing county business in Elkhart county, to commit Robert Vance to private custody.

Which was twice read.

And on the question, shall the bill be engrossed.

It was decided in the negative.

So said bill was lost.

Mr. Jones moved that the interrogatories of the committee of investigation into the affairs of the State Bank, together with the answers of the different Branches thereto, be printed.

Mr. Judah moved to amend the motion so that so much of said answers as disclose the names of borrowers from, or debtors to said branches shall not be published.

When Mr. Henley moved that said motion and pending amendment be laid upon the table.

And the ayes and noes being requested thereon by Messrs. Jones and Judah,

Those who voted in the affirmative, were

Messrs. Berry	Haymond	Sims
Burns	Henley	Smith of W.
Carr	Herriman	Stapp
Davis	Hood	Thompson of A.
Eldridge	Howell	Vance
Ferguson	Hurst	Walpole
Ferris	Lee	Williams of W.
Gregory	Leviston	Wyman and
Hamel	McClure	Zenor—27.

Those who voted in the negative, were:

Messrs. Arnold	Hubbard	Perine
Bennet	Huston	Porter
Blair	Jackson	Proffitt
Boon	Jones	Reeve
Boyd	Judah	Richey

Bryce
Brown
Carleton
Chamberlain
Cotton of S.
Cox
Crume
Dowling
Garrigus
Glenn
Graham
Haddon
Hanna
Hawkins
Helmer
Henricks

Kenton
Lane
Macy
Marshall
Matlock
McCrillus
Miller
Monroe
Morrison
Murphey
Noble
Noel
Osborn
Owen
Pabody
Peaslee

Ristine
Roe
Shook
Smydth of C.
Tannehill
Vandever
Watson
Whitman
Williams of L.
Williams of R.
Wilson
Wines of G. & W.
Wines of V.
and
Mr. Speaker.—60.

So said motion was decided in the negative.

And on the question, shall the amendment proposed by Mr. Judah be adopted.

And the ayes and noes being requested thereon by Messrs. Judah, and Jones,

Those who voted in the affirmative, were

Messrs. Bennett
Blair,
Chamberlain
Cotton of P.
Cox
Gregory
Hamel
Hawkins
Haymond
Helmer
Herriman
Hood
Howell
Hubbard
Hurst
Huston

Judah
Lee
Macy
Major
Marshall,
Matlock
Murphey
Noble
Noel
Osborn
Owen
Porter
Proffit
Reeve
Richey
Ristine

Shook
Sims
Smith of W
Smydth of C.
Stapp
Tannehill
Thompson of A
Whitman
Williams of L.
Williams of R.
Williams of W.
Wilson
Wines of G. & W.
Wyman
Zenor and
Mr. Speaker—49.

Those who voted in the negative, were

Messrs. Arnold
Berry
Boon
Boyd
Bryce
Burns

Ferris
Garrigus
Glenn,
Graham
Haddon
Hanna

M'Crillus
Miller
Monroe
Pabody
Peaslee,
Perine

Carleton
Carr
Cotton of S.
Crume
Davis
Eldridge

Huff
Jackson
Jones,
Lane
Leviston
McClure

Roe
Vandever
Walpole
Watson and
Wines of V. —38.

So said amendment was adopted.

When Mr. Jones changed his proposition as follows:

It is moved that the clerk of the House be required to enter upon the journals of this House all the documents referred to in the report of the select committee of this House appointed to examine into the business and conduct of the State Bank and its branches.

When Mr. Judah moved the following amendment:

That so much of said answers as discloses the names of borrowers from or debtors to the said branches shall not be printed.

When, on motion of Mr. Vandever,

Said motions and amendment were laid upon the table.

Mr. Morrison introduced a bill No. 386. to change the lease of a part of the University Square in the town of Indianapolis;

Which was twice read.

And on the question shall the bill pass?

The ayes and noes being required thereon by Messrs. Walpole and Glenn,

Those who voted in the affirmative, were

Messrs. Bennett
Blair
Brown
Carr
Cotton of P.
Cox
Crume
Davis
Dowling
Eldridge
Ferguson,
Ferris
Graham
Gregory,
Hamel
Hanna
Hawkins
Haymond
Henley,
Herriman
Hocker

Hood
Howell
Hubbard
Hurst
Huston
Jones
Judah,
Lane
Lee
Leviston
Macy
Major
Marshall
Matlock
McClure
Milroy
Morrison,
Murphey
Noble
Osborn

Owen
Peaslee
Perine
Richey
Ristine
Roe
Shook
Sims
Smydth of C.
Stapp
Tannehill
Thompson of A.
Vance
Watson
Whitman
Williams of L.
Williams of W.
Wines of V.
Wyman and
Mr. Speaker—61.

Those who voted in the negative were,

Messrs. Arnold
Boon

Glenn
Helmer

Proffit
Reeve

Bryce
Burns
Carleton
Chamberlain
Cotton of S.
Garrigus

Huff
Jackson
McCrillus,
Miller
Porter

Smith of W.,
Walpole
Williams of R.
Wilson and
Zenor—22

So said bill passed.

Ordered, That the clerk inform the Senate and ask their concurrence therein.

Mr. Peaslee introduced a bill No. 388, to improve the Michigan Road between Napoleon and Indianapolis, and the state road from Lawrenceburg to Napoleon;

Which was read the first time and passed to a second reading on tomorrow.

Mr. Proffit from the committee on Corporations to whom was referred sundry documents;

Reported the same back to the House.

Which, on motion of Mr. Perine, were laid upon the table.

Mr. Sims introduced a bill No. 390, to amend an act entitled an act to locate a state road from Greencastle, in Putnam county, to Martinsville, in Morgan county, approved February 6, 1837;

Which was twice read and referred to the committee on Roads.

Mr. Smith of W. moved that the bill No. , to authorize the printing of the revised laws in the German language be taken from the table.

And the ayes and noes being required by Messrs. Chamberlain and Smith of W.

Those who voted in the affirmative were:

Messrs. Bennett

Boon

Burns

Carr

Chamberlain

Cotton of P.

Crume

Dowling

Eldridge

Ferguson

Glenn,

Hamel

Hanna

Hawkins

Henricks

Herriman

Hocker

Hood

Hubbard

Huff

Huston

Jones

Judah

Lee

McCrillus

Noble

Noel

Owen

Porter

Richey

Shook

Smith of W.

Stapp

Thompson of A.

Vance

Walpole

Whitman

Williams W.

Wilson and

Zenor—39.

Those who voted in the negative were:

Messrs. Arnold

Berry

Howell

Hurst

Osborn

Paboby

Blair	Huston	Reeve,
Boyd	Jackson	Ristine
Bryce	Kenton	Roe,
Brown	Lane	Sims
Carleton	Leviston,	Smydth of C
Cotton of S.	Macy	Tannehill
Cox	Major	Vandever
Davis	Marshall	Watson
Ferris	Matlock	Williams of L.
Garrigus	McClure	Williams of R.
Graham	Miller	Wines of G. & W.
Gregory	Milroy	Wines of V.
Haddon	Monroe	Wyman and
Haymond	Morrison	Mr. Speaker—51
Helmer	Murphey	

So said bill was not taken up,

On motion,

Leave of absence is granted to Mr. Brown after Thursday next.

On motion of Mr. Restine,

Resolved, That during the remainder of the session, this House will meet at half after 8 o'clock, A. M., at half past 1 P. M., and half past 6 P. M.

Mr. Herriman introduced a bill No. 380, to amend the act entitled "an act for the apportionment of Senators and Representatives in the General Assembly of this State, approved January 13th, 1836.

Which was twice read and laid upon the table.

Mr. Hocker introduced a bill No. 381, to incorporate the town of Lebanon in the county of Boon.

Mr. Porter introduced a bill No. 389, legalizing the sale of School lands in Parke county.

Mr. Smith of C. introduced a bill No. 391, relative to a certain State road in Clay county.

Mr. Thompson of A. introduced a joint resolution No. 392, on the subject of a canal from St. Marys in Ohio to Fort Wayne, Indiana.

Mr. Walpole introduced a bill No. 393, changing the time of holding courts in the counties of Hancock, Morgan, Hendricks, Boone and Marion.

Which were severally read three times and passed.

Ordered, That the Clerk inform the Senate and ask their concurrence therein.

Mr. Judah from the committee on the judiciary to whom was referred a report from the Treasurer of State on the 10th inst. reported a bill No. 382, concerning public deposits.

Which was read three times and passed.

Mr. Major made the following report:

MR. SPEAKER:

The select to which was referred the petition of J. T. Shields and others praying the State to refund them money expended in repairing the Bridge over the North Fork of Wild Cat Creek, in Carroll county, where the Michigan road crosses the same, have had the same under consideration and direct me to report the following bill,

A bill No. 383, for the relief of J. T. Shields and others.

Which was read three times and passed.

Mr. Marshall from the select committee to which was referred bill of the Senate No. 86, providing for the support of illegitimate children, reported the same back without amendment.

When said bill was read the third time and passed.

Mr. Helmer from the select committee to which petitions on that subject were referred, reported a bill No. 395, to re-locate part of the Bloomington and Rockport State road, and establish a State road therein named.

Which was read three times and passed.

Mr. Wines of V. from the select committee to which was referred No. 310, to incorporate the town of Terre Haute, reported it back amendments,

Which were concurred in, and the bill read the third time and passed.

Mr. Noel from the select committee to which was referred bill of the House No. 376, to incorporate the Union railroad company, reported the same back without amendment.

When said bill was read the third time and passed.

Bill of the Senate No. 144, to establish a University in the State of Indiana.

Was read the third time and passed.

Mr. Watson introduced a joint resolution relative to the injury done the public works on the Wabash river by the floods.

Which was read the first and second time,

When, on motion of Mr. Crume, it was amended by adding the following additional section:

Sec. That the acting commissioners on the White Water Canal are hereby instructed to estimate and allow to contractors on said canal, such allowance as may have been done by the late flood in the White Water River.

When said bill as amended, was read the third time and passed.

Ordered, That the clerk inform the Senate and ask their concurrence in said bills of the House.

The following message was received from the Senate by Mr. Thompson of P., a member.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate has passed an engrossed bill of the House,

No. 131, entitled an act to provide for the improvement of the Wabash river, without amendment.

Mr. Carr from the joint committee on enrolled bills made the following report:

MR. SPEAKER:

The joint committee on enrolled bills report that they have compared the enrolled with the engrossed bills of the Senate entitled acts as follows:

No. 304. An act to incorporate the Baileytown and Chicago turnpike company.

No. 30. A joint resolution on the subject of the State Bank.

No. 312. An act to appropriate a part of the three per cent. fund of Crawford county.

No. 133. An act to incorporate the town of Rockport, in Spencer county.

No. 90. An act to improve the breed of horses and sheep.

No. 9. An act to incorporate the West Delphi Bridge Company.

No. 216. An act to incorporate the Marion and Mississinewa Bridge Company.

And find the same truly enrolled.

Whereupon the Speaker signed the same.

Ordered, That the clerk carry them to the Senate for the signature of their President.

Mr. Graham from the joint committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The joint committee on Enrolled Bills, report that they did this day compare the enrolled with the engrossed bills of the Senate,

And find the same truly enrolled, viz:

164, an act to incorporate the town of Franklin in Johnson county.

143, an act for the promotion of schools and education in Clark's Grant.

152, an act for the formation of the county of Blackford.

Whereupon the Speaker signed the same.

Ordered, That the clerk carry them to the Senate for the signature of their President.

And then the House adjourned until to-morrow morning half past 8 o'clock.

WEDNESDAY MORNING, FEB. 14, 1838.

The House met pursuant to adjournment.

Mr. Perine offered for adoption the following resolution:

Resolved, That the clerk of this House be, and he is hereby directed to retain the bill entitled, an act to incorporate the South Bend and Wewabaw Canal Company, until an opportunity can be had to move to reconsider the vote on the passage of said bill, and if reported, that he respectfully request the Senate to return the same to this House.

Mr. Henricks moved that said resolution be laid upon the table.

And the ayes and noes being requested thereon by Messrs. Peaslee and Chamberlain,

Those who voted in the affirmative, were

Messrs	Bennett	Huston	Smith of W.
	Burns	Kenton	Stapp
	Carleton	Lane	Thompson of A
	Cotton of P.	Lee	Vandever
	Cotton of S.	Marshall	Watson,
	Eldridge	McClure	Williams of R
	Gregory,	McCrillus	Williams of W
	Hawkins	Miller	Wilson
	Henricks	Noble	Wines of V.
	Howell	Pabody	Zenor and
	Hubbard	Ristine	Mr. Speaker—37
	Hurst	Sims	

Those who voted in the negative, were

Messrs.	Blair,	Glenn	Osborn
	Boon	Graham	Peaslee
	Boyd	Haddon	Perine
	Bryce,	Hamel	Porter
	Brown	Helmer	Reeve
	Carr	Henley	Richey
	Chamberlain	Hocker	Shook
	Cox,	Jackson	Smydth of C
	Crume	Leviston	Tannehill
	Cunningham	Matlock	Walpole
	Davis	Milroy	Whitman
	Ferguson	Monroe,	Williams of L.
	Ferris	Murphey	Wines of G. and W
	Garrigus	Noel	and Wyman—43

Sa said motion did not prevail.

The question then recurred on the adoption of the resolution:

And the ayes and noes being requested thereon by Messrs. Chamberlain and Perine

Those who voted in the affirmative were :

Messrs. Blair	Graham	Monroe
Boyd	Haddon	Noel
Bryce	Helmer	Peaslee
Brown	Henley	Perine,
Burns	Hocker	Reeve
Carr	Hurst	Shook,
Chamberlain	Jackson	Smydth of C.
Crume,	Judah	Tannehill
Cunningham	Leviston	Vandeveer
Ferris	Major,	Williams of L, and
Garrigus	Milroy,	Wyman—34.
Glenn		

Those who voted in the negative, were

Messrs. Bennett	Huston	Roe
Berry,	Lane	Sims
Boon	Lee	Smith of W.
Carleton	Macy,	Stapp,
Cotton of P.	Marshall	Thompson of A
Cotton of S.	Matlock,	Vance,
Cox	M'Clure	Walpole
Ferguson	McCrillus	Watson
Gregory	Miller	Williams of R.
Hamel	Noble	Williams of W
Hawkins	Oaborn	Wilson
Haymond	Pabody	Wines of V.
Henricks,	Richey	Zenor and
Howell	Ristine	Mr. Speaker—43.
Hubbard		

So said resolution was not adopted.

Mr. Crume made the following report:

The select committee to which was referred a bill of the Senate, No. 311, entitled, an act providing means by additional State Bank stock for liquidating interest on Internal Improvement loans of the State, have according to order, made the amendments according to the instructions of the House.

And on the question of concurrence in the first amendment reported, which was to strike out the words "six successive years," where it occurs in said bill.

And the ayes and noes being requested thereon by Messrs. Judah and Proffitt,

Those who voted in the affirmative were :

Messrs. Arnold	Haymond	Noel
Bennett	Henley	Owen

Berry	Herriman	Pabody
Blair	Hocker	Peaslee
Boyd	Howell	Perine,
Bryce	Hurst,	Proffit
Brown,	Huston	Reeve
Burns	Jackson	Richey
Carr	Jones	Roe
Chamberlain	Judah	Shook
Champer	Leviston	Smith of W.
Cotton of S.	Major	Vandever
Crume,	Matlock	Walpole
Cunningham	McCrillus	Whitman and
Ferris	Miller	Williams of L.
Garrigus,	Milroy	Williams of R.
Gregory	Monroe	Wilson and
Haddon	Murphey	Zenor —50.

Those who voted in the negative, were

Messrs. Boon	Hood	Sims
Carleton	Hubbard	Smydth of C
Cotton of P.	Kenton	Stapp
Cox	Lane	Tannehill
Davis	Lee	Thompson of A.
Eldridge	Macy	Vance,
Ferguson	Marshall,	Watson
Glenn	M'Clure	Williams of W.
Graham	Morrison	Wines of G. & W
Hamel	Noble	Wines of V.
Hanna	Osborn	Wyman
Hawkins,	Porter	and Mr. Speaker.— 42
Henricks	Ristine	

So said amendment was concurred in.

Mr. Proffit moved to amend the amendment of the committee by adding the following as additional section to the bill:

Sec. . That no board of directors shall be entitled to a greater loan than \$50,000 among said board.

And on the question shall the proposed amendment to the amendment be adopted?

And the ayes and noes being requested thereon by Messrs. Proffit and Champer

Those who voted in the affirmative, were

Messrs. Arnold	Glenn	Peaslee,
Bennett,	Gregory	Perine
Berry	Haddon	Proffit,
Boon	Hanna,	Roe,
Boyd,	Henley	Shook
Bryce	Herriman	Smydth of C.
Brown	Jackson,	Vandever,
Carr,	Judah	Walpole,

Chamberlain,
Cotton of S.,
Davis
Ferris
Garrigus,

Macy
Major,
Miller,
Noble
Owen,

Whitman,
Williams of L.
Wilson
Wyman and
Zenor—39.

Those who voted in the negative, were

Messrs. Blair
Carleton
Champer
Cotton of P.
Cox
Crume
Cunningham
Dowling
Eldridge,
Ferguson
Graham
Hamel
Hawkins
Haymond
Henley
Hocker,
Hood,

Howell,
Hubbard,
Hurst,
Huston
Jones
Kenton,
Lane
Lee,
Marshall
Matlock
M'Clure,
Milroy
Morrison
Morphey
Noel
Osborn

Pabody
Porter,
Reeve,
Ristine,
Sims
Smith of W.
Stapp
Tannehill
Thompson of A.
Vance
Watson,
Williams of R.
Williams of W.
Wines of G. & W.
Wines of V. and
Mr. Speaker—49

So said amendment did not prevail.

The several amendments to said bill were then concurred in by the House.

Mr. Proffitt moved further to amend the bill by adding thereto the following:

That no director of any Branch of the State Bank shall be entitled to more than \$5000 on loans from the Branch of which he is a director, or of any other Branch of the State Bank, either directly or indirectly.

Pending which motion, Mr. Cox moved the previous question,

Which was seconded by a majority of the House,

And on the question shall the main question be he now put?

And the ayes and noes being requested thereon by Messrs. Miller and Herriman.

Those who voted in the affirmative were

Messrs. Berry
Blair
Boyd
Bryce
Carleton
Carr
Champer
Cotton of P.

Howell
Hubbard
Huston
Jones
Judah
Kenton
Lane
Lee

Reeve
Richey
Ristine
Roe
Shook
Sims
Smith of W.
Smydth of C.

Cox	Leviston	Stapp
Crume	Macy	Tannehill
Cunningham	Marshall	Thompson of A.
Davis	Matlock	Vance
Dowling	McClure	Walpole
Ferguson	Milroy	Watson
Glenn	Monroe,	Whitman
Graham	Morrison	Williams of L.
Gregory	Murphey	Williams of R.
Haddon	Noble	Williams of W.
Hanna	Noel	Wilson
Haymond	Osborn	Wines of G. & W.
Helmer	Owen	Wines of V.
Henley	Pabody	Wyman
Henricks	Peaslee	Zenor and
Herriman	Porter	Mr. Speaker.—73.
Hood		

Those who voted in the negative were :

Messrs. Arnold	Ferris	Major
Bennett	Garrigus	Miller
Boon	Hamel	Perine
Brown	Hawkins	Proffit
Chamberlain	Hocker	and
Cotton of S.	Hurst	Vandever—19.
Eldridge	Jackson	

So said motion was decided in the affirmative.

Whereupon the main question was put,

Shall the bill be engrossed?

And decided in the affirmative.

And the bill, after a suspension of the rules, was read the third time.

When Mr. Miller moved to recommit the bill to a select committee, with instructions so to amend "that the Bank nor its Branches shall not issue or put in circulation any note or notes, at a time when they refuse to redeem them in gold or silver."

Mr. Proffit moved to amend the instructions as follows, to wit:

To restrict the directors of any Branch in the amount of loans made to said directors; to provide that upon any evasion of the charter or the present act, it shall be the duty of the parent Board to close any Branch which shall so evade its charter.

Mr. Marshall called for a division of the question,

And on the question, shall the bill be recommitted?

It was decided in the negative,

The question then recurring on the passage of the bill,

And the ayes and noes being requested thereon by Messrs. Garri-
gus and Glenn.

Those who voted in the affirmative, were

Messrs. Arnold	Hubbard	Reeve
Berry	Hurst	Richey
Blair	Huston	Ristine
Boyd	Jones	Roe
Bryce	Judah	Shook
Carleton	Kenton	Sims
Chamberlain	Lane	Smydth of C.
Champer	Lee	Stapp
Cox	Leviston	Tannehill
Crume	Macy	Thompson of A.
Cunningham	Major	Vance
Graham	Marshall	Walpole
Gregory	Matlock	Watson
Hamel	Milroy	Whitman
Hanna	Monroe	Williams of L.
Hawkins	Morrison	Williams of R.
Helmer	Murphy	Williams of W.
Henley	Noble	Wilson
Herriman	Noel	Wines of G. & W.
Hocker	Pabody	Wines of V.
Hood	Peaslee	Wyman and
Howell	Porter	Mr. Speaker.—67.

Those who voted in the negative, were

Messrs. Bennet	Ferguson	Miller
Boon	Ferris	Osborn
Brown	Garrigus	Perine
Carr	Glenn	Proffit
Cotton of P.	Haddon	Smith of W.
Cotton of S.	Haymond	Vandever and
Davis	Jackson	Zenor—23.
Dowling	McCrillus	

So said bill passed.

Ordered, That the clerk inform the Senate thereof, and ask their concurrence in the amendments made thereto by the House.

Mr. Gregory from the committee on Roads, reported a bill No. 399, to establish certain State roads therein named.

Which was read and, on motion, ordered that the same do lie upon the table.

Mr. Jones introduced a bill No. 400, fixing the time of holding courts in the fourth judicial circuit.

Which was read three several times and passed.

Ordered, That the clerk inform the Senate thereof, and ask their concurrence therein.

Mr. Walpole introduced a joint resolution No. 401, relative to publishing certain laws.

Which was read three times and passed.

Ordered, That the clerk inform the Senate thereof, and ask their concurrence therein.

A message from the Senate by Mr. Baird of St. Joseph, a member:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate has passed an engrossed bill thereof,

No. 348. A bill for the formation of the ninth judicial circuit, and fixing the time of holding courts therein.

In which the concurrence of the House of Representatives is requested.

The bill named in the message was read the first and second time, and after amendment, on motion of Mr. Thompson of Allen, was read a third time and passed.

Ordered, That the clerk inform the Senate thereof, and ask their concurrence in the amendment made thereto by the House.

Mr. Milroy introduced a bill No. 402, regulating the courts in the first judicial Circuit,

Which was read three times and passed.

Ordered, That the clerk inform the Senate thereof and ask their concurrence therein.

On motion of Mr. Crume,

The House resolved itself into a committee of the Whole on the bill of the Senate, No. 60, to provide for distributing so much of the Surplus Revenue of the United States as the State of Indiana may be entitled to and receive by virtue of an act of Congress approved 23d of June, 1836, approved February 6, 1837.

Mr. Milroy in the Chair.

And after some time spent therein,

The committee rose and the Chairman reported to the House several amendments thereto.

Which were read and concurred in by the House.

And the bill as amended was read the third time and passed.

Ordered, That the clerk inform the Senate thereof and ask their concurrence in the amendments made thereto by the House.

The bill No. 317, making general appropriations for the year 1838;

also the bill No. 318, making specific appropriations for the year 1838,

Were severally read the second time and committed to a committee of the Whole.

On motion of Mr. Crume,

The House resolved itself into a committee of the Whole House on the abovenamed bills.

Mr. Gregory in the Chair,

And after some time spent therein,

The committee rose, and their Chairman reported, that they had had that subject under consideration, but not having time to go through therewith, had directed him to report progress and ask leave to sit again.

Which leave was not granted by the House,

And then the House adjourned.

2 o'clock, P. M.

The House met pursuant to adjournment.

On motion of Mr. Haymond,

The following resolution was adopted:

Resolved, That the Senate be invited to attend in the Representative Hall instantler, for the purpose of electing a Prosecuting Attorney for the Seventh Judicial Circuit, and that seats be prepared for them, on the right of the Speaker's Chair.

The Senate then came into the Hall of the House of Representatives and took their seats on the right of the Speaker's Chair.

The President of the Senate on the right of the Speaker,

And proceeded in conjunction with the House to the election of said Prosecuting Attorney, Messrs. Haymond and Glenn acting as Tellers on the part of the House, and Messrs. Thompson of Lawrence and Dunning on the part of the Senate,

After counting the vote, it appeared that

Delena R. Eckels had received one hundred and thirty-three votes. Scattering, thirty-two votes.

Mr. Eckels having received a majority of all the votes given, was thereupon declared duly elected such Prosecuting Attorney in the presence of both Houses of the General Assembly.

The Senate then retired to their chamber.

The following message was received from the Senate by Mr. Test, their Secretary:

MR. SPEAKER:

I am instructed by the Senate to inform the House of Representatives that the Senate has passed engrossed bills, entitled

No. 84, an act to legalize the acts of the Recorder of Jackson county.

No. 85, an act to amend an act entitled an act regulating the admission and practice of attorneys and counsellors at law, approved January 31, 1824.

No. 108, an act to authorize the crection of a mill dam across the Wabash river.

No. 112, an act to fill certain vacancies in commissioners therein named.

No. 144, an act regulating distress for rent.

No. 145, an act regulating the action of replevin.

No. 165, an act authorizing the action of disseisin.

No. 167, an act concerning enclosures and trespassing animals.

No. 181, an act so amend the act for opening and repairing public roads and highways, approved February 10, 1831.

No. 157, an act in relation to proceedings upon writs of mandamus and informations in nature of quo warranto.

No. 195, an act to provide for carrying into effect the law in new counties.

No. 226, an act relative to limited partnerships.

No. 254, an act authorizing the appointment of constables and defining their duties.

No. 255, an act concerning tenants holding over.

No. 261, an act to vacate the town of Grandview in Clinton county.

No. 264, an act to authorize Mary Butler to convey certain real estate.

No. 236, an act to amend an act concerning the Seminary township of land in Gibson and Monroe counties, approved January 27, 1827.

No. 288, an act to legalize the acts of the Trustees of the town of Putnamville in the county of Putnam.

No. 304, an act to legalize the sale of certain school lands in Orange county.

No. 307, an act supplementary to an act to locate a state road from Salem to Charlestown.

No. 328, an act to legalize the conveyance of lot No. 1, in Princeton, Gibson county, to the board of trustees of the Gibson County Seminary.

No. 331, an act to authorize the election of trustees of the county library of Dubois county.

No. 332, an act to authorize the exchange of ground between the State and William Rockhill.

No. 337, an act to amend an act entitled an act for the relief of David Millburn and others, approved February 4, 1837.

No. 338, an act to locate a state road in Vigo county.

No. 342, an act for the relief of the heirs of James H. Wallace.

No. 344, an act fixing the compensation of the commissioner of the Saline lands in Orange county.

No. 348, an act specifically appropriating the three per cent. fund in Porter county.

No. 353, an act for the relief of the children of James C. Lee.

No. 359, an act for the relief of John Bell.

No. 360, an act to authorize R. J. Dawson and J. Spencer to erect a mill dam across the St. Joseph's river.

No. 361, an act to authorize Wetmore and Toby to erect a dam on the Wabash river at the town of Murry in Wells county.

No. 363, an act to amend an act entitled an act to incorporate the Mount Carmel and New Albany Rail Road Company, approved Feb. 4, 1837.

No. 364, an act to repeal 8th, 9th and 10th sections of an act entitled an act to incorporate the Clay County Seminary Trustees, approved February 2, 1837.

No. 367, an act to legalize the sale of school section sixteen in Porter county

No. 368, act regulating the mode of keeping stallions and jacks.

No. 369, an act for the relief of Edward Lane.

And No. 370, an act to change the name of the town of Middleton in Washington county to Claysville.

Each without amendment.

Also the Senate has passed engrossed joint resolutions of the House of Representatives without amendment.

No. 310, a joint resolution for the relief of Burwell R. Still.

And No. 313, a joint resolution for the benefit of the collector of Fountain county for the year 1837.

Also, the Senate insists on the amendments to the bill of the House No. 89, entitled an act organizing Jasper county.

Also, the Senate refuses to concur in the amendments of the House to the bill of the Senate No. 43, entitled an act to alter and define the boundary line of Grant county.

Also, the Senate has concurred in the amendment of the House to the first amendment of the Senate to the bill of the House, No. 172, entitled an act to incorporate the Wabash Hotel Company; and they insist upon their second amendment of said bill.

Also, the Senate insists on their disagreement to the amendment of the Senate to the bill of the Senate No. 81, entitled an act regulating damages on protested bills of exchange, and Messrs. Thompson of L. Baird of St. Joseph, are appointed a committee of free conference on the part of the Senate, to meet with a similar committee on the part of the House, to adjust the difference between the two Houses.

Also, the Senate has receded from their 1st and 2d amendments to the bill of the House No. 35, entitled an act relative to the Vincennes University.

Also, the Senate has passed engrossed bills of the House entitled No. 138, an act regulating prisons and prison bounds.

No. 146, an act to prevent unlawful gaming.

No. 188, an act against forcible entry and detainer.

No. 224, an act concerning vagrants.

No. 228, an act defining and regulating privileges.

No. 236, an act relating to the office of school commissioner in certain counties.

No. 276, an act incorporating the Mayor and Common Council of the town of Delphi.

Each with amendments, in which the concurrence of the House is respectfully requested.

Also, the Senate has passed engrossed bills thereof, entitled No. 317, an act to regulate the mode of summoning and empannelling grand and petit jurors.

No. 318, an act appointing a commissioner for certain purposes therein named.

No. 320, an act to change the name of the town of Maukport in the county of Harrison to that of New Market.

And a joint resolution No. 321, entitled a joint resolution on the subject of extending the grant of land for the Wabash and Erie canal.

In each of which bills and the joint resolution of the Senate, the concurrence of the House is also respectfully requested.

The bills No. 317, 320 and 321, named in the message, were severally read three times and passed.

Ordered, That the clerk inform the Senate thereof.

The bill No. 318, named in the message, was read the first time, and passed to a second reading to-morrow.

The bill of the House No. 89, named in said message, organizing Jasper county, being first in order, was taken up.

And on motion, the House insist on its disagreement to the amendment of the Senate thereto, and Messrs. Gregory and Watson are appointed a committee of free conference on that subject, on the part of the House, to act with a similar committee on the part of the Senate, to adjust the difference between the two Houses.

Ordered, That the Senate be informed thereof.

On motion, the House recedes from its amendment to the bill of the Senate No. 43, named in the message.

Ordered, That the Senate be informed thereof.

On motion, the House insists on its disagreement to the amendments of the Senate to the bill of the House No. 172, and Messrs. Wines of G. and W. and Thompson of A. are appointed a committee of free conference on the part of the House on that subject.

Ordered, That the Senate be informed thereof, and a similar committee on their part requested.

On motion, the House insists on its amendment to the bill of the Senate No. 81, named in the message.

Ordered, That the Senate be informed thereof.

The House concurs in the amendment of the Senate to bills of the House No. 224, 228, 138, 146, 188 and 276.

And refuse to concur in the amendments of the Senate to the bills of the House No. 236.

Ordered, That the Senate be informed thereof.

The following message was received from the Senate by Mr. Thompson of L. a member:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate has passed an engrossed bill thereof, entitled as follows:

No. 349. A bill for the formation of the second and third judicial circuits, and providing for holding courts therein,

In which the concurrence of the House of Representatives is requested.

The bill named in said message was read three several times and passed.

Ordered, That the clerk inform the Senate thereof.

A message from the Senate by Mr. Test, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate has passed engrossed bills thereof, entitled

No. 87, an act providing for the incorporation of towns.

No. 88, an act to regulate marriages.

No. 94, an act to provide for electing county and township officers.

No. 98, an act to regulate general elections.

No. 123, an act to provide for the inspection of salt, beef, flour, pork and tobacco;

No. 124, an act for the relief of the poor.

No. 142, an act for the regulation of the State Prison.

No. 153, an act concerning corporations.

No. 170, an act concerning the State Library.

No. 171, an act to regulate taverns and groceries.

No. 327, an act incorporating congressional townships and providing for public schools therein.

No. 335, an act to provide for holding a term of the circuit court in the county of Cass.

No. 346, an act declaring certain county roads therein named State roads.

No. 347, an act to legalize the sale of certain town lots therein named, and for other purposes.

No. 350, an act to appropriate a part of the three per cent. fund in Jasper county.

In all of which the concurrence of the House is respectfully requested.

The bills named in said message No. 87, 88, 94, 98, 123, 124, 142, 153, 170, 335, 346, 347, were severally read three times and passed.

Ordered, That the clerk inform the Senate thereof.

The bill No. 171 named in said message, was read twice and referred to a select committee of Messrs. Crume, Bennett and McCrillus.

The bill No. 327 named in the message, was read the first and second time, and referred to a select committee of Messrs. Williams of R., Shook and Smith of W.

The bill No. 350, named in the message was twice read and on motion,

Ordered, That the same lie on the table.

Mr. Judah from the select committee to which was referred bill No. 214, organizing the supreme court and defining its powers and duties, reported the same back to the House without amendment,

And the bill was read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

Mr Judah made the following report:

MR. SPEAKER:

The select committee to whom the petition of sundry citizens of Dearborn county respecting the Lawrenceburgh Branch was referred have directed me to report the following bill,

No. 404, to amend the act entitled an act establishing a State Bank.

Which was read the first time and passed to a second reading on tomorrow.

The following message was received from the Senate by Mr. Test, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed an engrossed bill of the House entitled,

No. 402, an act regulating the courts in the first judicial circuit, with amendments in which the concurrence of the House is respectfully requested,

Which amendments were concurred in by the House.

Ordered, That the clerk inform the Senate thereof.

A message from the Senate by Mr. Test their Secretary,

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed engrossed bills of the House, entitled

No. 90, an act to incorporate the Knightston Canal Manufacturing and Trading Company.

No. 136, an act regulating divorces.

No. 175, an act directing the mode of suing out, and prosecuting writs of habeas corpus.

No. 203, an act to incorporate the Richmond and Brookville Canal Company.

No. 284, an act to incorporate the St. Josephs Bridge Company.

No. 295, an act to incorporate the Calumet Bridge Company.

No. 28, an act authorizing the sale of certain land in Dubois county.

No. 343, an act concerning lot number twenty in the town of Jeffersonville.

No. 352, an act to incorporate the town of Greensboro.

No. 355, an act to incorporate the town of Laporte in Laporte county.

No. 356, an act to incorporate the Exchange Hotel Company.

No. 373, an act to incorporate the Armiesburg Bridge Company.

No. 76, an act to amend an act entitled an act to provide for a general system of internal improvement, approved January 27th, 1837.

No. 216, an act to revive and confirm certain state roads therein named in the county of White, Pulaski, Marshall and Carroll, and for other purposes.

No. 241, an act to provide for taking depositions in certain cases therein named.

No. 260, an act on the subject of leasing the water at the Delphi Dam.

No. 314, an act to authorize the Board doing county business in the county of Spencer to grant a license to John Meeks to retail liquors and vend foreign and domestic Groceries.

No. 330, an act to incorporate the Peru and Rockester Turnpike Company.

393, an act changing the time of holding courts in Hancock, Morgan, Hendricks, Boone and Marion counties.

And also No. 372, a joint resolution of the General Assembly of the State of Indiana.

Each without amendment.

Also the Senate has passed engrossed bills of the House of Representatives entitled,

No. 113, an act to provide for the improvement of the navigation of Big St. Josephs River.

No. 134, an act to incorporate the town of Indianapolis in Marion county.

No. 182, an act to organize the county of Whitley.

No. 186, an act to authorize the seizure of boats and other vessels for debt.

No. 200, an act to incorporate the city of Logansport.

No. 279, an act to incorporate the Michigan and Indiana rail road Company.

No. 289, an act to incorporate the Warsaw Manufacturing Company.

No. 336, an act to determine the manner in which a division of the county of Greene may be made.

Each without amendments, in which the concurrence of the House of Representatives is respectfully requested.

Also, the Senate has passed engrossed bills thereof entitled as follows:
An act relative to county boundaries.

No. 91, an act to establish and regulate ferries.

No. 95, an act relative to opening and repairing public roads and highways, and for other purposes.

No. 126, an act concerning debtors and their securities.

No. 306, an act to organize Probate Courts, and defining the powers and duties of executors, administrators and guardians.

No. 307, an act for the incorporations of public libraries.

No. 322, an act defining the duties of Recorders.

No. 323, an act to regulate the trials of the right of property.

And No. 324, an act for giving mechanics a lien on buildings.

No. 325, an act subjecting certain articles to sale for repairs after a certain period.

No. 326, an act to authorize writs of *no exeat*.

No. 328, an act prescribing the mode of changing the venue in criminal cases,

No. 332, an act to incorporate the Lawrenceport Bridge Company,

No. 331, an act providing for a state road from Bedford in Lawrence county, to Salem in Washington county,

No. 333, an act to relocate a part of a state road therein named in Hendricks county,

No. 334, an act to amend an act entitled an act to incorporate the town of Perrysville in the county of Vermillion, approved January 29, 1831.

No. 338, an act to locate a state road from Delphi in Carroll county, to the State line in the direction of Chicago.

No. 339, an act to amend an act relating to State Roads, approved February 6, 1837,

No. 340, an act authorizing the location of a state road leading from Indianapolis to Shelbyville via Hughs' Mill in Shelby county,

No. 342, a joint resolution relative to the State printing for 1838.

In which several engrossed bills, and joint resolution of the Senate the concurrence of the House of Representatives is also respectfully requested.

On motion, the House concurred in the amendments made by the Senate to bills of the House No. 113, 134, 182, 186, 200, 279, 289 and 333, named in the message.

Bill of the Senate No. 91, named in the message, was twice read and referred to a select committee of Messrs, Granam and Ferguson.

No. 95 named in the message was twice read and referred to a select committee of Messrs: Crume and Wines of V.

No. 306 named in the message, was twice read and referred to a select committee of Messrs. Marshall and McClure.

Bills No. 331, 333, 338, 339, 340, were severally read the first and second time, and laid on the table.

Bills No. 126, 307, 322, 323, 324, 325, 326, 328, 332, 334 and 342 named in the message, were severally read three times and passed

Ordered, That the clerk inform the Senate thereof.

A message from the Senate by Mr. Test, their Secretary.

MR. SPEAKER:

The Senate has passed engrossed bills and a joint resolution of the House, entitled

No. 91, an act providing for the safety of stage passengers.

No. 142, an act to provide for the improvement of the Wabash river.

No. 301, an act declaring Big creek a public highway.

No. 319, an act to legalize the proceedings of the school commissioner of Spencer county.

And No. 301, a joint resolution in relation to laws therein named; each without amendment.

Mr. Graham from the joint committee on enrolled bills made the following report:

MR. SPEAKER:

The joint committee on enrolled bills report that they did this day compare the enrolled with the engrossed bills of the House.

No. 72, an act to incorporate the town of Paoli, in Orange county.

No. 178, an act to incorporate the town of New Boston, in Wayne county.

Also, bill of the Senate No. 144, an act to establish a University in the State of Indiana.

And find the same truly enrolled.

Whereupon the Speaker signed the same.

Ordered, that the clerk carry them to the Senate for the signature of their President.

Mr. Carr from the same committee, made the following report.

MR. SPEAKER:

The joint committee on enrolled bills report that they have compared the enrolled with the engrossed bills of the Senate entitled acts as follows:

No. 145, an act to amend an act entitled an act organizing circuit courts and defining their powers and duties, approved Jan. 24, 1831.

No. 84, an act respecting apprentices:

No. 140, a joint resolution for the benefit of the collector of Scott county, for the year 1837.

No. 146, an act prescribing the mode of authenticating copies from the records of the State Board of Internal Improvement.

No. 14, a joint resolution of the General Assembly of the State of Indiana,

No. 165, an act to incorporate the Northfield steam mill and manufacturing company.

No. 85, an act to authorize the vacation of towns.

No. 127, an act relative to fugitives from labor.

And find the same truly enrolled,
Whereupon the Speaker signed the same.

Ordered, That the clerk carry them to the Senate for the signature of their President.

Mr. Graham from the joint committee on enrolled bills made the following report:

MR. SPEAKER:

The joint committee on enrolled bills report that they did this day present to His Excellency the Governor for his approval and signature the following bills, to wit:

No. 61, an act for the relief of Henry Matthews.

No. 58, an act to locate a State road in the county of Boon.

No. 213, an act giving to the State of Illinois the right of way within this State to connect the northern cross rail road in Illinois, with the Wabash and Erie canal at Covington.

No. 106, an act to amend the charter of the borough of Vincennes.

No. 191, an act for the relief of John Matthews.

No. 92, an act to incorporate the Paoli Savings Institution.

No. 258, an act for the relief of the collector of Jay county.

No. 124, an act relating to the acts of house holders in the county of Lake.

No. 123, an act providing for the sale of certain school lands in the county of Sullivan.

No. 277, an act to change the character of a part of the Madison and Lafayette road.

No. 40, an act to incorporate a certain company therein named.

No. 153, an act for the relief of Campbell Dale.

No. 160, an act to locate a State road from the west line of Hancock county, to New Castle in Henry county.

No. 280, an act to incorporate the Elizabeth steam mill, boat, ship yard and manufacturing company.

No. 39, an act to incorporate the town of Princeton.

No. 181, an act to provide for a justice of the peace in Maysville, Daviess county.

No. 230, an act for the relief of John Bennett.

No. 285, an act regulating the interest of money.

No. 292, an act appointing bridge and road commissioners in the counties of Spencer and Perry, and defining their powers and duties.

No. 238, an act for the relief of Edward Hopkins.

No. 82, an act appropriating the three per cent. fund belonging to the county of Warren.

No. 158, an act to incorporate the Harrison and Napoleon turnpike company.

No. 297, an act to incorporate the Marion Guards.

No. 156, an act to legalize the sale of the 16th section in township No. 9, range No. 2, west.

No. 159, an act to amend an act entitled an act to appropriate a part of the three per cent. fund in the county of Orange, approved January 27, 1837.

No. 10, an act for the sale of certain school lands belonging to the Vincennes tract,

No. 281, an act for the relief of Dalzel, Clarke and Whitcomb, and C. Clark and Company,

No. 77, an act to prevent obstructions in Anderson river in Perry or Spencer counties,

No. 86, an act providing the number and mode of electing trustees of the Posey county Seminary,

No. 111, an act to provide for electing a justice of the peace in the town of Hartsville in Bartholomew county,

No. 249, an act to amend an act entitled an act to amend the charter and define the powers and duties of the president and trustees of the town of Evansville, approved February 8, 1836,

No. 95, an act for the relief of John B. Walker,

No. 97, an act to change the name of Calvin C. Marsh,

No. 157, an act relating to the town of Vernon,

No. 120, an act to change the Morganford and Brandywine town State road,

No. 206, an act amendatory of the act entitled an act for the formation of the Pleasant Run School district in Carroll county.

154, an act authorizing Lewis Jones and others, to sell lot No. 67, in the town of Washington in Daviess county, and for other purposes,

No. 67, an act concerning State Roads therein named,

No. 282, an act for the relief of Asa Brown,

No. 93, an act to legalize the election of and official acts of judge of the probate court in Lake county,

No. 192, an act for the relief of Derbin Gaw,

No. 100, an act to legalize the acts of Thomas Bowman,

No. 109, a joint resolution on the subject of a western armory,

No. 257, a joint resolution on the subject of a donation of public land on the Erie and Michigan Canal,

The following message was received from the Senate by Mr. Colerick, a member,

MR. SPEAKER:

I am requested to inform the House that the Senate has concurred in the amendment of the House to the bill of the Senate No. 384, entitled a bill for the formation of ninth judicial circuit, and fixing the time of holding courts therein.

And then the House adjourned.

THURSDAY MORNING, FEBRUARY 15, 1838.

The House met pursuant to adjournment.

Mr. Gregory from the select committee to which was referred bill of the House No. 274, providing for a more uniform mode of doing township business in the several counties in this State, reported the same back to the House with several amendments,

Which was read and concurred in;

Which was read the third time and passed.

Ordered, That the clerk inform the Senate thereof, and ask their concurrence therein.

Mr. Gregory from a select committee to which was referred bill No. 128, of the Senate, for the protection of bridges, reported the same back to the House without amendment,

And the bill was read the third time and passed,

Ordered, That the clerk inform the Senate thereof.

A bill of the Senate No. 71, to incorporate the Laurel, Franklin County Bridge Company, was reported back to the House from the committee on Corporations without amendment,

And was read the third time and passed.

Ordered, That the clerk inform the Senate thereof.

The Bill No. 395, for the incorporation of the town of Raysville, heretofore laid upon the table was taken up, and read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

The bill No. 308, to amend an act to incorporate the town of Jeffersonville in the county of Clark, was taken from the table, and the bill was read the third time and passed,

Ordered, That the Clerk inform the Senate thereof, and ask their concurrence therein,

Mr. Judah made the following report:

MR. SPEAKER:

The judiciary committee, according to order, have had under consideration a bill No. 374, entitled a bill for the stay of execution in certain cases, and have directed me to report the same without amendment.

Mr. Burns moved to amend by adding the following as a proviso:

Provided, That no person shall be allowed the benefit of this act unless current bankable paper money shall have been refused by the person in whose favor the judgment may be rendered, and tendered by the person against whom the judgment may be rendered.

When Mr. McClure moved the previous question,

Which was seconded by a majority of the House.

And on the question, shall the main question be now put?

It was decided in the affirmative.

And on the question, shall the bill pass to a third reading?

And the ayes and noes being requested by Messrs. Walpole and Murphey,

Those who voted in the affirmative, were:

Messrs. Arnold	Hubbard	Reeve
Bennet	Huff	Richey
Berry	Jackson	Ristine
Blair	Judah	Robbins
Boon	Lane	Roe
Boyd	Lee	Shook
Bryce	Leviston	Sims
Carleton	Macy	Smith of W.
Carr	Major	Tannehill
Cox	Marshall	Thompson of A.
Crume	Matlock	Vandever
Cunningham	McCrillus	Walpole
Eldridge	Miller	Watson
Ferguson	Milroy	Williams of L.
Glenn	Noble	Williams of R.
Graham	Osborn	Williams of W.
Gregory	Owen	Wilson
Hanna	Pabody	Wines of G. & W.
Hawkins	Peaslee	Wines of Vigo
Haymond	Perine	Zenor and
Henley	Porter	Mr. Speaker.—65.
Hood	Proffitt	

Those who voted in the negative, were

Messrs. Brown	Haddon	Monroe
Burns	Helmer	Morrison
Champer	Herriman	Murphey
Colton of P.	Hocker	Noel
Colton of S.	Howell	Smydth of C.
Davis	Hurst	Stapp
Dowling	Huston	Vance &
Ferris	Kenton	Whitman.—25.
Garrigus		

And so said question was decided in the affirmative.

Mr. Bennett moved to refer the bill to a select committee with instructions so to amend, as to embrace the following:

But nothing in this act shall be so construed as to effect contracts made for specie previous to the publication of this act.

Which motion was decided in the negative.

Mr. Hocker moved to commit the bill with instructions to insert the following proviso:

Provided, This act shall take effect only on contracts hereafter to be made.

Which motion did not prevail.

Mr. Whitman moved to refer the bill with the following instructions:

That all written contracts payable in specie by express contract shall not be affected by any provisions of this act.

Mr. Watson moved the previous question,

Which was seconded by a majority of the House.

And on the question, shall the main question now be put?

It was decided in the affirmative.

And on the main question, shall the bill pass?

And the ayes and noes being requested thereon by Messrs. Davis and Watson,

Those who voted in the affirmative were

Messrs. Arnold,	Henley	Proffitt
Benett	Henricks,	Reeve,
Berry,	Hood	Richey,
Blair	Hubbard	Ristine,
Boon,	Huff	Robbins
Boyd,	Jackson,	Roe
Bryce,	Judah	Shook
Carleton,	Lane	Sims,
Carr,	Lee,	Smith of W.,
Cotton of S.,	Macy	Smydth of C.,
Cox	Major	Tannehill,
Crume	Marshall	Thompson of A
Cunningham	Matlock	Vance
Eldridge	McClure	Vandever,
Ferguson	McCrillus,	Walpole,
Garrigus	Miller,	Watson
Glenn,	Milroy,	Williams of L.,
Graham,	Noble	Williams of R.
Gregory	Osborn,	Williams of W.,
Hamel,	Owen,	Wilson,
Hanna	Pabody,	Wines of G. & W
Hawkins,	Peaslee	Wines of V.,
Haymond,	Perine	Zenor and
Helmer,	Porter,	Mr. Speaker—76.

Those who voted in the negative, were

Messrs. Brown	Herriman,	Leviston,
Burns,	Hocker	Monroe
Cotton of P.,	Howell,	Murphey,
Davis,	Hurst	Noel,
Ferris,	Huston	Stapp, and
Haddon,	Kenton,	Whitman—18

So said bill passed.

Ordered, That the clere inform the Senate thereof.

Mr. Thompson of A. from a select committee reported back to the House without amendment, the bill No. 309, for the incorporation of agricultural societies.

Which bill was read a third time and passed.

Ordered, That the Clerk inform the Senate thereof and ask their concurrence.

Mr. Lane offered for adoption the following resolution:

Mr. Howell at the time occupying the chair,

Resolved unanimously, That the thanks of this House be tendered to the Hon. Thomas J. Evans for the very able, dignified and impartial manner in which he has discharged the duties of Speaker of the House of Representatives during its present session, and that we look forward with deep regret to the approaching period which will terminate our official connexion with him, which has been alike honorable to the Speaker and useful to the country.

Which was unanimously adopted.

Mr. Smith of W. introduced a joint resolution No. 405, relative to the Board of Fund Commissioners;

Which was read the first and second times,

And on the question, shall it be engrossed?

And the ayes and noes being requested by Messrs. Thompson of A. and Haymond,

Those who voted in the affirmative, were

Messrs. Arnold	Hanna	Owen
Bennett	Hawkins	Peaslee,
Blair,	Herriman	Perine
Boon	Henley,	Porter
Boyd	Hocker	Reeve
Bryce	Howell	Richey
Brown	Hubbard	Ristine
Burns	Huff	Roe
Carr	Hurst	Shook
Chamberlain	Huston	Smith of W
Cotton of P.	Judah	Tannehill
Cotton of S.	Lane	Vance
Cox	Leviston	Vandeveer
Crume	Major	Walpole
Cunningham,	McClure	Watson
Davis	M'Crillus	Whitman
Dowling,	Miller	Williams of L.
Eldridge	Monroe	Williams of R.
Ferguson	Murphey	Williams of W.
Ferris	Milroy	Wilson
Garrigus	Noble	Wines of G. & W.
Gregory	Noel	Wines of V. and
Haddon	Osborn	Zenor—69.

Those who voted in the negative, were

Messrs. Carleton	Kenton	Sims
Champer	Lee	Smydth of C.
Hamel	Macy	Stapp
Haymond	Marshall,	Tannehill,
Helmer	Pabody	Thompson of A
Henricks	Proffit	and Mr. Speaker—19.
Hood	Robbins	

So said joint resolution was ordered to be engrossed.

Mr. Proffitt moved to refer the joint resolution to a select committee. Which motion did not prevail.

Mr. Proffitt moved to refer it to a select committee with instructions to strike out the name of Caleb B. Smith, where it occurs therein.

Which was also decided in the negative.

The joint resolution was then read a third time and passed.

Ordered, That the clerk inform the Senate thereof and ask their concurrence.

Mr. Milroy introduced a joint resolution No. 406, explanatory of the act entitled an act to provide for a lock in the pool dam near Delphi,

Which was twice read, and on motion of Mr. Eldridge, laid upon the table.

Mr. Vandever moved to take from the table bill No. 384, relative to the Madison and Lafayette road between Indianápolis and Lafayette,

Which motion was decided in the negative.

Mr. Osborn made the following report:

MR. SPEAKER:

The select committee to whom was referred bill No. 137, entitled an act regulating the taking up of animals going astray, and water craft and other articles of value adrift, have had the same under consideration, and have directed me to report the same back to the House, with amendments,

Which amendments were concurred in by the House, and the bill as amended was read the third time and passed.

Ordered, That the clerk inform the Senate thereof, and ask their concurrence.

Mr. Marshall made the following report:

MR. SPEAKER:

The select committee to which was referred a bill No. 306, organizing probate courts and defining the powers and duties of executors, administrators and guardians, have had that subject under consideration, and have directed me to report the same back without amendment.

And the bill therein named was read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Cotton of S. made the following report from a select committee:

MR. SPEAKER:

The select committee to which was referred a bill No. 91 of the Senate, have had the same under consideration, and have directed me to report it back with several amendments, in which the concurrence of the House is requested.

The several amendments were concurred in by the House, and the bill read a third time and passed.

Ordered, That the clerk inform the Senate thereof, and ask their concurrence in the amendments made thereto by the House.

A message from the Senate by Mr. Daily, a member:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate has passed an engrossed bill of the House No. 104, entitled an act supplemental to an act entitled an act to incorporate the Jeffersonville Insurance company, without amendment.

A message from the Governor by Mr. Maguire his private Secretary:

MR. SPEAKER:

I am requested by his Excellency the Governor to inform the House of Representatives, that he has approved and signed acts entitled as follows, viz:

No. 39, an act to incorporate the town of Princeton.

No. 92, an act to incorporate the Paoli Savings Institution.

No. 192, an act for the relief of Derbin Gaw.

No. 285, an act regulating the interest of money.

No. 190, an act to legalize the acts of Thomas Bowman.

No. 281, an act for the relief of Dalzell, Clark & Whitcomb and C. Clark & Company.

No. 77, an act to prevent obstructions in Anderson river, in Perry and Spencer counties.

No. 292, an act appointing bridge and road commissioners in the county of Spencer and Perry, and defining their powers and duties.

No. 86, an act providing the number and mode of electing trustees of the Posey county Seminary.

No. 111, an act to provide for the election of a justice of the peace in the town of Hartsville, in Bartholomew county.

No. 349, an act to amend an act entitled an act to amend the charter and define the powers and duties of the president and trustees of the town of Evansville, approved February 8, 1836.

No. 95, an act for the relief of John B. Walker.

No. 106, an act to amend the charter of the borough of Vincennes.

No. 191, an act for the relief of John Matthews.

No. 213, an act giving the State of Illinois the right of way within this State to connect the northern cross rail road in Illinois, with the Wabash and Erie Canal at Covington.

No. 358, an act for the relief of the collector of Jay county.

No. 124, an act relating to the acts of householders in the county of Lake.

No. 206, an act amendatory of the act entitled an act for the formation of the Pleasant Run school district in Carrol county.

No. 154, an act authorizing Lewis Jones and others, to sell lot No. 67 in the town of Washington, in Daviess county, and for other purposes.

No. 67, an act concerning State roads therein named.

No. 282, an act for the relief of Asa Brown.

No. 157, an act relating to the town of Vernon.

No. 120, an act to change the Morgansford and Brandywine State road.

No. 97, an act to change the name of Calvin C. Marsh.

No. 280, an act to incorporate the Elizabeth steam mill, boat, ship yard and manufacturing company.

No. 123, an act providing for the sale of certain school lands in the county of Sullivan.

No. 277, an act to change the character of a part of the Madison and Lafayette road.

No. 153, an act for the relief of Campbell Dale.

No. 160, an act to locate a State road from the west line of Hancock county, to New Castle in Henry county.

No. 181, an act to provide for a justice of the peace in Maysville, Daviess county.

No. 230, an act for the relief of John Bennet.

No. 238, an act for the relief of Edward Hopkins.

No. 82, an act appropriating the three per cent. belonging to the county of Warren.

No. 158, an act to incorporate the Harrison and Napoleon turnpike company.

No. 297, an act to incorporate the Marion Guards.

No. 156, an act to legalize the sale of the 16th section in township No. 9, range No. 2 west.

No. 150 an act to amend an an act entitled an act to appropriate a part of the three per cent. fund in the county of Orange, approved January 27, 1837.

No. 10. an act for the sale of certain lands belonging to the Vincennes tract.

No. 58, an act to locate a State road in the county of Boon.

And also joint resolutions entitled as follows, viz:

A joint resolution on the subject of a donation of public lands on the Erie and Michigan Canal;

A joint resolution on the subject of a western armory.

Mr. Crume from a select committee reported back to the House, bill of the Senate No. 95, relative to opening and repairing public roads and highways, and for other purposes, with an amendment which was concurred in.

And the bill as amended was read a third time and passed.

Ordered, That the clerk inform the Senate thereof, and ask their concurrence in the amendments made thereto by the House.

Mr. Owen from a select committee to whom was referred the bill of the Senate, 168, regulating the jurisdiction and duties of justices of the peace, reported the same back to the House without amendment.

Mr. Carleton moved to strike out the 104th section of the bill, which prohibits one justice of the peace from practicing as an attorney before another.

And on the question of striking out the same,

And the ayes and noes being requested by Messrs. Lane and Cox.

Those who voted in the affirmative were:

Messrs. Arnold	Henley	Porter
Bennett	Hocker	Proffitt
Berry	Huston	Reeve,
Blair	Jackson	Ristine
Brown	Lane	Robbins
Carleton	Leviston,	Shook
Carr	Macy	Sims
Cotton of S.	Marshall	Smith of W.
Cox	Matlock	Smydth of C
Cunningham	McClure	Thompson of A.
Davis	Miller	Walpole
Ferguson	Monroe	Watson
Graham	Morrison	Williams of R.
Gregory	Murphey	Wilson
Haddon	Noble	Wines of V.
Hamel	Noel	Zenor and
Hanna	Paboby	Mr. Speaker—51
Haymond		

Those who voted in the negative were:

Messrs. Boyd	Glenn,	Owen
Boon	Henricks	Perine

Bryce
Burns
Chamberlain
Cotton of P.
Crume
Eldridge
Ferris
Gaddis
Garrigus

Hood
Howell
Hubbard
Judah
Lee
Major
McCrillus
Osborn

Roc,
Stapp
Tannehill
Vandever
Whitman
Williams of L. &
Wines of G. & W
—30.

So said section was stricken out.

On motion of Mr. Cotton of the 106th section of said bill was stricken out.

Mr. Jones moved to postpone the further consideration of said bill indefinitely,

And the ayes and noes being requested thereon by Messrs. Jones and Judah,

Those who voted in the affirmative, were

Messrs. Arnold
Blair
Boon
Boyd
Carleton
Cotton of P.
Cotton of S.
Cox
Cunningham
Davis
Garrigus
Glenn
Graham
Hamel
Hanna
Henley

Howell
Hubbard
Huston
Jackson
Jones
Judah
Lane
Major
Marshall
Matlock
McClure
Miller
Milroy
Monroe
Morrison

Murphey
Reeve
Richey
Ristine
Shook
Thompson of A.
Vandever
Walpole
Whitman
Williams W.
Wilson
Wines of G. & W.
Wines of V
Zenor and
Mr. Speaker.—46.

Those who voted in the negative, were:

Messrs. Bennet
Berry
Bryce
Brown
Burns
Carr
Chamberlain
Crume
Eldridge

Haddon
Haymond
Henricks
Hocker
Hood
Kenton
Lee
Macy
Noble

Pabody
Peaslee
Porter
Roe
Sims
Smith of W.
Smydth of C.
Stapp
Tannehill

Ferguson
Ferris
Gregory

Noel
Osborn
Owen

Vance
Watson and
Williams of L—35

Sy said bill was indefinitely postponed.

Mr. Crumc from a select committee reported back to the House the bill of the Senate No. 171, to regulate taverns and Groceries, with an amendment,

Which was read and concurred in.

On motion of Mr. Haymond said bill was indefinitely postponed:

And then the House adjourned,

2 o'clock, P. M.

The House met pursuant to adjournment.

Mr. Vandever introduced a bill No. 407, supplemental to the act entitled an act to incorporate the town of Paoli in Orange county, approved February 15, 1838,

Which was read three times and passed.

Ordered, That the clerk inform the Senate thereof, and ask their concurrence.

The Speaker laid before the House the following communication from the Fund Commissioners of the State of Indiana, in answer to resolutions of the House of the 21st of December and 4th of February.

OFFICE OF FUND COMMISSIONERS, }
February 10, 1838. }

*To the Honorable House of Representatives
of the State of Indiana:*

In compliance with the resolution of your House the 21st of December and 4th February, the undersigned

REPORT

1st. That no specific rules have been adopted by this board in regard to the division of the duties of the members, other than the appointment of one of their number as secretary, the duties of which, with those of commissioner, have required his whole time and attention for nearly two years past.

2nd. The Board do not think it necessary to have a resident Commissioner at the east, but for two years past the interest of the State seemed to require that the Board, or a member of it, should spend considerable time there, by which a much larger sum has been saved the State, than any increased expenditure it has occasioned.

3. We cannot recommend a re-organization of the Board with a view to economy and the interest of the State.

4. In reply to an enquiry as to the amount received per diem and expenses of each member respectively, we refer your honorable body to document A. accompanying this report.

2. Nothing more has been paid the State Bank and Branches, than refunding the monies advanced by the Branches for payments on the public works, which has been paid by eastern drafts, payable in pursuance of a contract at the commencement of the year, at 30 days from the end of the month in which the disbursements were made, whereby the State received interest at the east on our deposits therefor, at an average of 45 days after its payment here. Exchanges, however, having risen during the past year, our contracts for the present year, as far as made, are to pay east at an average of 75 days from the payment here.

For the amount thus disbursed by the Branches and refunded by the commissioners, we would respectfully refer your honorable body to our statistical report of the 6th inst. all our payments for the past year on the public works having been made through the Branch Banks.

Which is respectfully submitted,

SAMUEL HANNA,
ISAAC COE.

DOCUMENT A.

Per diem expenses of Samuel Hanna during the year 1837.

		per diem.	expenses.
January	To services from 1st to 11th inclusive 11 d.	22	
	" expenses during the same period		11 62
	" travelling expenses from Indianapolis to Fort Wayne		8 36
Feb.	" services from 15th to 21 inclusive, 7 days	14	
	" expenses do do		8 24
" 25.	" services 1 day \$2, expenses do \$1 50	2	1 50
March 3	do 1 do do do do do	2	1 50
April	do 2 days \$4 do do do	4	
May	do 1 day	2	
August	do 8 days expenses same time	16	16
Aug & Sept	do 39 days at the east	78	
	" expenses do do		167 37
Nov.	" services 3 days	6	
Dec. 31	do 31 days	62	
" "	" expenses days		59 42
For the year—total per diem		\$208	\$274 00

Per diem and expenses of Isaac Coe during the year 1837.

		per diem. expenses.	
April 16.	To services from 1st Jan. to 16th April inclusive 91 days	182	
	" expenses do do		91
Dec. 31.	" services from 17th April to 31st Dec., inclusive, 259 days at the east	518	
	" board, washing, &c. at the east		647 50
"	" expense of fire do do		46
	" " stage & steam boat fare to New York		42
	" do do between eastern cities		77 50
	doing business for the State		
	For the year total	\$700	\$904 00

Per diem and expenses of C. B. Smith during the year 1837.

		per diem. expenses.	
June	To services 5 days going to Indianapolis	10	
	" expenses do do		7 50
	" services 64 days at the east	128	
	" expenses do do		357 75
Aug.	" services 2 days going to Richmond	4	
	" expenses do do		3
Nov.	" services 5 days going to Indianapolis	10	
	" expenses do do		10
Dec.	" services 31 days at do do	62	
	" expenses do do		53 62½
	For the year total	\$214	\$431 87½

Which was read and laid upon the table.

The Speaker also laid before the House a communication from the State Board of Internal Improvement.

Which was read, laid upon the table and 200 copies ordered to be printed.

On motion of Mr. Bryce, Mr. Thompson of F. has leave of absence for the remainder of the present General Assembly.

On motion of Mr. Henley, the vote taken this day on the indefinite postponement of the bill regulating the jurisdiction and duties of justices of the peace was reconsidered.

Mr. Chamberlain moved to amend the bill by adding the following as an additional section:

Sec. In all actions before a justice of the peace, either party may demand a jury of 3, 6 or 12, and the other party insists on a jury of more than three or six, when either of those numbers have been demanded as aforesaid, the party so insisting on a greater number, shall pay all costs occasioned by such increased number of jurors.

Which motion did not prevail.

Mr. Crume moved to amend the bill as follows:

No person shall be bound to serve as such juror before any justice of the peace out of the township in which he may reside.

Which was decided in the negative.

Mr. Cox moved the previous question,

Which was seconded by a majority of the House,

And on the question shall the main question be now put?

The ayes and noes being required thereon by Messrs. Crume and Cunningham,

Those who voted in the affirmative, were

Messrs. Bennett	Hanna	Pabody,
Berry	Hawkins	Porter
Blair	Helmer	Ristine
Boyd	Henley,	Robbins,
Bryce	Henricks	Roe
Brown	Herriman	Shook
Carleton	Hubbard	Sims,
Carr	Jackson	Smith of W.,
Cotton of P.	Kenton	Smydth of C.
Cotton of S.	Lane	Stapp
Cox	Leviston	Tannehill
Cunningham	Matlock	Vance
Davis	McClure	Vandever
Ferguson,	McCrillus,	Watson
Ferris	Murphey	Williams of L.
Graham	Noble	Wilson and
Gregory,	Noel	Zenor—52
Haniel		

Those who voted in the negative were,

Messrs. Arnold	Lee	Perine
Boon	Macy	Proffit
Crume	Marshall	Richey
Eldridge	Milroy	Thompson of A.
Garrigus	Monroe	Walpole
Hocker	Morrison,	Whitman
Hood	Osborn	Williams of W. and
Howell	Peaslee	Wines of V.—25.
Huston		

So said motion was decided in the affirmative.

The main question was then put,

Shall the bill pass to a third reading?

And decided in the affirmative.

Mr. Henley moved to dispense with the rules of the House,

And read the bill a third time now.

And on that question,

And the ayes and noes being requested thereon by Messrs. Crume and Wines of V.

Those who voted in the affirmative, were

Messrs. Bennet	Henricks	Osborn
Berry	Herriman	Owen
Blair	Hocker	Pabody
Boyd	Howell	Porter
Bryce	Huston	Ristine
Brown	Jackson	Robbins
Carleton	Kenton	Roe
Carr	Lane	Shook
Cotton of P.	Leviston	Smith of W.
Cotton of S.	Macy	Smydth of C.
Cox	Major	Stapp
Ferguson	Marshall	Tannehill
Ferris	Matlock	Vance
Graham	McClure	Vandever
Gregory	McCrillus	Watson
Hamel	Monroe	Williams of L.
Hanna	Morrison	Williams of W.
Hawkins	Murphy	Wilson
Helmer	Noble	Wines of G. & W.
Henley	Noel	and Zenor—59.

Those who voted in the negative, were

Messrs. Arnold	Hood	Richey
Boon	Hubbard	Thompson of A.
Crume	Lee	Walpole
Cunningham	Milroy	Whitman and
Davis	Peaslee	Wines of V.—19.
Garrigus	Perine	

So said bill was read the third time and passed.

Ordered, That the clerk inform the Senate thereof, and ask their concurrence in the amendments of the House.

On motion of Mr. Gregory,

The bill No. 399, to establish certain state roads;

Was taken from the table and read a third time and passed.

Ordered. That the clerk inform the Senate thereof and ask their concurrence.

Mr. Shook from a select committee reported back to the House the bill No. 327, incorporating congressional townships and providing for public schools therein with several amendments;

Which were severally read and concurred in by the House.

The bill was further amended on motion of Mr. Wines of V.

And read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

The bill No. 78, granting certain privileges to the grantee therein named.

The bill No. 397, for the relief of Willis G. Atherton.

The bill No. 340, to amend an act entitled an act to provide for a General System of Internal Improvement, approved Jan. 27, 1836.

The bill of the Senate, No. 113, to incorporate the Westfield Steam Mill Company.

The bill of the House No. 345, giving to the State of Illinois, the right of way within this State to connect the northern cross rail road in Illinois with the Wabash and Erie Canal at Perrysville, Indiana.

The bill No. 347, repealing all laws and parts of laws now in force, granting premiums for wolf scalps.

The bill No. 341, to change the provisions of an act entitled an act to regulate the mode of doing county business, approved January 19, 1831, in the county of Porter.

Were severally read the second and third times and passed.

Ordered, That the clerk inform the Senate thereof and ask their concurrence in the bills of the House.

The bill No. 96, for the appointment of surveyors and their deputies;

Was read the third time and indefinitely postponed.

On motion, the House reconsidered the vote on granting leave to the committee of the Whole House to sit again on bills Nos. 317 and 318, making general and specific appropriations for the year 1838.

And the House then resolved itself into a committee of the Whole House on said bills, and after some time spent therein,

Mr. Gregory, their chairman, reported the same back to the House with sundry amendments;

In which he asked the concurrence of the House.

The House concurred in the 1st., 2nd, 3d and 4th.

And on the question of concurrence in the 5th amendment made in committee of the Whole, fixing the allowance to the doorkeeper of the House at \$3 50 per day.

And the ayes and noes being requested thereon by Messrs. Crume and Walpole,

Those who voted in the affirmative, were

Messrs. Blair,
Bryce,
94

Henricks
Hood

Ristine
Robbins

Burns	Hurst	Roe
Carr	Huston	Shook
Chamberlain	Jackson	Stapp
Cotton of P.	Jones	Thompson of A
Cotton of S.	Macy	Vance
Cox,	Marshall	Vandever
Davis	McClure	Watson,
Ferguson	Morrison	Whitman
Ferris	Noel	Wilson
Graham	Owen	Wines of V.
Gregory,	Peaslee	Wyman
Hamel	Porter	Zenor and
Haymond	Proffit	Mr. Speaker—47
Henley	Richey	

Those who voted in the negative, were

Messrs Arnold,	Howell	Pabody
Bennett,	Hubbard	Perine
Berry	Judah,	Sims
Boon	Lee	Smith of W.
Crume	Leviston	Smyth of C
Garrigus	Major	Tannehill
Hawkins	Milroy	Walpole
Helmer	Murphey	Williams of L. and
Herriman	Osborn	Williams of W.—28
Hocker		

So the House concurred in said amendment.

The bills above named Nos. 317 and 318, were then read the third time and passed.

Ordered that the clerk inform the Senate thereof and ask their concurrence.

Mr. Haymond introduced a bill No. 408, to revive an act entitled, an act to incorporate the Harrison and Indianapolis Turnpike Company;

Which was twice read, and on motion,

Ordered, That the same do lie upon the table.

On motion of Mr. Dowling,

Resolved, That the Farmers and Mechanics of Marion county be permitted the use of the Hall of the House of Representatives on Thursday next the 22d inst., for the purpose of celebrating the anniversary of the birth of Washington, and that the agent for the State, having the room in charge, is hereby authorized to grant said privilege.

Mr. Jones offered for adoption the following resolution:

Resolved, That the Treasurer of State procure a glazed ceiling to be put in the dome of this House, flushed with the plastered ceiling,

Which was adopted.

The bill No. 339, relating to taverns and tavern keepers,

Was read the second time,

When Mr. Crume moved that it be laid upon the table.

And the ayes and noes being requested thereon by Messrs. Burns and Henley,

Those who voted in the affirmative were:

Messrs. Arnold	Herriman	Owen
Bennett	Hocker	Pabody
Berry	Hood	Perine,
Boon	Huston	Reeve
Bryce	Jackson	Richey
Carleton	Jones	Ristine
Carr	Judah	Roe
Chamberlain	Lane	Shook
Cox	Lee	Sims
Crume,	Leviston	Tannehill
Cunningham	Macy	Thompson of A.
Davis	Major	Vance,
Dowling	Marshall,	Vandever
Ferguson	McCrillus	Walpole
Garrigus,	Miller	Watson
Graham	Murphey	Williams of R.
Hamel	Noble	Wines of G. & W
Hanna	Noel	and Wines of V.—56.
Haymond	Osborn	

Those who voted in the negative, were

Messrs. Blair	Kenton	Stapp
Burns	Milroy	Whitman and
Cotton of P.	Monroe	Williams of L.
Cotton of S.	Peaslee	Williams of W.
Gregory	Smith of W.	Wyman
Henley	Smydth of C	and Mr. Speaker.—20
Howell		

So said motion was carried in the affirmative,

And the bill laid upon the table.

On motion of Mr. Burns,

Said bill was taken from the table, and so amended that the provisions thereof should apply only to the county of Vermillion;

And the bill as amended, was read the third time and passed.

The title of the bill was thereupon amended by adding thereto the words "in the county of Vermillion."

Ordered, That the clerk inform the Senate thereof, and ask their concurrence therein.

Bill of the House No. 362, to permit and authorize the State of Ohio to construct a part of the Cincinnati and White Water canal within the territory of the State of Indiana.

No. 350, to divorce Lucy Hudson from Daniel Hudson.

No. 349, dissolving the matrimonial connection between Andrew Martin and Elizabeth Martin, his wife.

No. 296, for the relief of James Hatfield.

Were severally read the second and third times and passed.

Ordered, That the clerk inform the Senate thereof and ask their concurrence therein.

Mr. Wines of G. and W. made the following report.

MR. SPEAKER:

The committee of free conference appointed on the part of the House to take into consideration the disagreement of the House to the amendment of the Senate to a bill of the House No. 172, entitled an act to incorporate the Wabash Hotel Company, have agreed to add to the said amendment the following—*after fifteen years*.

On motion, the House concurred in the report of the committee of free conference.

Ordered, That the Senate be informed thereof.

Bill of the Senate No. 188, for the relief of Wurts and Reinhard of the city of Louisville, was read the second time,

When Mr. Henley moved that said bill be indefinitely postponed, Which motion did not prevail.

Mr. Henley moved that the bill be referred to a select committee, with instructions to make the provisions of the bill general.

Which was decided in the negative.

The bill was then read the third time.

And on the question, shall the bill pass?

And the ayes and noes being requested thereon by Messrs. Henley and Burns,

Those who voted in the affirmative were:

Messrs. Arnold	Hanna,	Porter
Bennett	Hawkins	Reeve
Berry,	Helmer	Ristine
Elair	Herriman	Shook,
Bryce	Howell	Sims
Carleton	Hurst	Stapp,
Carr	Jackson	Tannehill
Cotton of P.	Judah	Thompson of A
Cotton of S.	Kenton	Vance,
Cox	Lane,	Walpole
Crume,	Leviston	Watson
Cunningham	Marshall	Williams of L.
Davis	McCrillus	Williams of R.
Dowling	Morrison	Wilson
Eldridge	Noble	Wines of G. and W.
Graham	Osborn	Wines of V. and
Gregory	Owen	Mr. Speaker—53.
Hamel	Peaslee	

Those who voted in the negative, were

Messrs. Burns
Garrigus
Haymond
Henley
Hocker
Hood,
Huston

Jones,
Lee
Macy,
Major,
Matlock,
Miller

Milroy,
Monroe
Murphey,
Pabody
Roe
Smith of W. and
Vandever—19.

So said bill passed.

Ordered, That the clerk inform the Senate thereof.

On motion of Mr. Bennett, the committee of the whole were discharged from the consideration of bill No. 29, to amend an act entitled an act regulating the practice in suits at law.

And said bill was referred to a select committee of Messrs. Bennett, Leviston and Crume.

Bill of the House No. 404, to amend an act entitled an act establishing a State Bank, was read the second time,

When Mr. Cotton of S. moved that the bill be amended by striking out from the enacting clause and inserting the following:

Sec. 1. That it is hereby made the duty of the State Bank of Indiana, immediately to suspend the business and close up the affairs and business of the Branch of said Bank at Lawrenceburgh, in the manner prescribed by the act entitled an act establishing a State Bank.

Sec. 2. That it is hereby made the duty of the State Bank immediately to locate a Branch at Vevey, in the county of Switzerland, or Brookville in the county of Franklin, to cause books for the subscription of stock to be opened, and to do and perform all matters and things necessary to organize and put into operation the Branch so to be located, according to the provisions of the act entitled an act establishing a State Bank.

Provided, That the present stockholders of the said Branch at Lawrenceburgh shall have preference in the taking of stock in the said Branch to be located to the amount of their present stock, and whatever amount coming to them on their stock on the final distribution of the effects of the said Lawrenceburgh Branch shall be transferred to the Branch to be located in Vevey or Brookville, in payment of their stock.

And before any question thereon, on motion of Mr. Arnold, said bill and pending amendment were laid upon the table.

No. 383, of the House, to improve the Michigan road between Indianapolis and Napoleon, and the State road from Lawrenceburgh to Napoleon, was read the second time, and laid upon the table.

Mr. Crume introduced a joint resolution No. 405, relative to the White Water canal, which was read three times,

And on the question, shall the resolution pass?

It was decided in the negative.

Of the House No. 321, a joint resolution, to complete the survey of the White Water canal, was read the second time, and on motion of Mr. Macy, laid upon the table.

No. 325, in relation to the pay and mileage of members of the General Assembly, was read the second time, and on motion of Mr. Proffit, amended by striking out "two dollars and fifty cents per day," and inserting "eight dollars per day.

When, on motion, said bill was laid upon the table.

Mr. Carr made the following report.

MR. SPEAKER:

The joint committee on enrolled bills report that they have compared the enrolled with the engrossed bills of the Senate as follows:

No. 349, an act for the formation of the second and third judicial circuits, and providing for holding courts therein.

No. 86, an act providing for the support of illegitimate children.

No. 109, an act authorizing and regulating arbitrations.

No. 174, an act relating to county seminaries.

Also, a bill which originated in the House of Representatives, No. 101, an act supplemental to an act entitled an act to incorporate the Jeffersonville Insurance company.

And find the same truly enrolled.

Whereupon the Speaker signed the same.

Ordered, that the clerk carry them to the Senate for the signature of their President.

Mr. Graham from the joint committee on enrolled bills made the following report:

MR. SPEAKER:

The joint committee on enrolled bills report that they did this day compare the enrolled with the engrossed bills and joint resolutions of the House.

No. 216, an act to revive and confirm certain State roads therein named in the county of White, Pulaski, Marshall and Carroll, and for other purposes.

No. 369, an act for the relief of Edward Lane.

No. 367, an act to legalize the sale of school section 16 in Porter county.

No. 18, an act to amend the act for repairing and opening public roads and highways, approved February 10, 1831.

No. 393, an act changing the time of holding courts in Hancock, Morgan, Hendricks, Boon and Marion counties.

No. 226, an act relative to limited partnerships,

No. 353, an act for the relief of the children of James C. Lee,

No. 342, an act for the relief of the heirs of James H. Wallace,

No. 359, an act for the relief of John Bell,

No. 370, an act to change the name of Middletown in Washington county to Claysville,

No. 255, an act concerning tenants holding over,

No. 368, an act regulating the mode of keeping stallions and jacks.

No. 218, an act for opening and repairing public roads and highways in the county of Gibson,

No. 304, an act to legalize the sale of certain school lands in Orange county.

No. 364, an act to authorize Mary Butler to convey certain real estate,

No. 288, an act to legalize the acts of the trustees of the town of Putnamville in the county of Putnam.

No. 108, an act to authorize the erection of a mill dam across the Wabash river,

No. 278, an act for the suppression of professional gambling,

No. 337, an act to amend an act entitled an act for the relief of David Millborn and others, approved February 4th, 1837,

No. 81, an act to incorporate the town of Martinsville in Morgan county,

No. 367, an act supplemental to an act to locate a state road from Salem to Charleston,

No. 267, an act to incorporate the Indiana Manufacturing Company,

No. 261, an act to vacate the town of Grand View in the county of Clinton.

No. 331, an act to authorize the election of trustees of the County Library in Dubois county,

No. 364, an act to repeal the 8th, 9th and 10th section of an act to incorporate the Clay county Seminary Trustees, approved February 2, 1837,

No. 310, a joint resolution for the relief of Burwell R. Still,

No. 313, a joint resolution for the benefit of the Collector of Fountain county for the year 1837,

No. 360, an act to authorize R. J. Dawson and J. Spencer to erect a mill dam across the St. Joseph river.

No. 85, an act to amend an act entitled an act regulating the admission and practice of attorneys and counsellors at law, approved January 31st, 1824.

And find the same truly enrolled;

Whereupon the Speaker signed the same.

Ordered, That the Clerk carry them to the Senate for the signature of their President.

Mr. Walpole reported, the joint committee on enrolled bills have this day presented to the Governor for his approval and signature, bills of the House of Representatives No. 393, entitled an act changing the

time of holding court in Hancock, Morgan, Henricks, Boon, Hamilton and Marion counties.

Mr. Walpole made the following report:

MR. SPEAKER:

The joint committee on enrolled bills report that they this day presented to his Excellency the Governor the following bill for his approval and signature to wit:

No. 144, an act to establish an University in the State of Indiana.

No. 178, an act to incorporate the town of New Boston in Wayne county.

No. 145, an act to amend an act entitled an act organizing circuit courts and defining their powers and duties,

No. 84, an act respecting apprentices,

No. 140, a joint resolution for the benefit of the collector of Scott county for the year 1837,

Mr. Graham from the joint committee on enrolled bills made the following report:

MR. SPEAKER:

The joint committee on enrolled bills report that they did this day present to His Excellency the Governor for his approval and signature the following bills and joint resolutions:

No. 30, a joint resolution on the subject of the State Bank,

No. 133, an act to incorporate the town of Rockport in Spencer county.

No. 304, an act to incorporate the Bailey town and Chicago Turnpike Company,

No. 512, an act to appropriate a part of the three per cent. fund of Crawford county.

No. 216, an act to incorporate the Marion Bridge Company.

No. 9, an act to incorporate the West Delphi Bridge Company,

No. 143, an act for the promotion of schools and educations in Clark's Grant.

No. 90, an act to improve the breed of Horses and Sheep.

No. 165, an act to incorporate the town of Franklin, in Johnson county.

No. 152, an act for the formation of the county of Blockford,

The following message was received from the Governor by Mr. Maguire his private Secretary:

MR. SPEAKER:

I am requested to inform the House of Representatives, that the Governor has approved and signed acts entitled as follows, viz:

No. 152, an act for the formation of the county of Blackford;

No. 72, an act to incorporate the town of Paoli in Orange county;

No. 61, an act for the relief of Henry Matthews.

No. 178, an act to incorporate the town of New Boston in Wayne county.

No. , an act changing the time of holding courts in the counties of Hancock, Morgan, Hendricks, Boon, Hamilton and Marion.

And then the House adjourned until half past 8 o'clock to-morrow morning.

FRIDAY MORNING, Feb. 16, 1838.

The House met pursuant to adjournment.

Mr. Crume introduced a bill No. 409, to locate a state road from Connersville in Fayette county to Christer Kinder's.

Which was read three times and passed.

Ordered, That the clerk inform the Senate thereof and ask their concurrence.

Mr. Bennett made the following report:

MR. SPEAKER:

The select committee to which was referred a bill No 20, entitled an act to amend the act regulating the practice at suits at law, have directed me to report said bill back with one amendment. Strike it out from the enacting clause and insert the following.

On motion, the report was concurred in.

And the bill as amended was read the third time and passed.

Ordered, That the clerk inform the Senate and ask their concurrence therein.

Mr. Henricks presented the petition of Stephen Bucklin praying a change of venue.

Which was read and referred to the committee on the Judiciary.

On motion of Mr. Burns,

The joint resolution No. 365, authorizing the survey and estimate of a

rail road from Perrysville, in Vermillion county, to the Illinois State line, heretofore laid upon the table, was taken up.

When Mr. Bryce moved that the same be laid upon the table.

And the ayes and noes being requested thereon by Messrs. Burns and Hanna,

Those who voted in the affirmative were

Messrs. Berry,	Hurst	Richey,
Boyd,	Lane	Ristine,
Bryce,	Lee,	Robbins
Cotton of P.,	Leviston,	Sims,
Cotton of S.,	Marshall	Tannehill,
Crume	McCrillus,	Vance
Cunningham	Miller,	Walpole,
Garrigus	Monroe	Wilson,
Graham,	Noble	Wines of V., and
Haymond	Osborn,	Zenor—32
Hubbard	Reeve,	

Those who voted in the negative, were

Messrs. Arnold,	Hawkins,	Peaslee
Benett	Helmer,	Perine
Blair	Henley	Porter,
Burns,	Henricks,	Roe
Carleton,	Hocker	Smith of W.,
Chamberlain	Hood	Smydth of C.,
Champer	Howell,	Stapp, and
Cox	Huston	Vandever,
Davis,	Jackson,	Whitman
Eldridge	Major	Williams of L.,
Ferris,	Milroy,	Williams of W.,
Hamel,	Noel,	and Mr. Speaker—38
Hanna	Owen,	

So said joint resolution was not laid upon the table.

Mr. Cunningham moved that the joint resolution be indefinitely postponed.

And the ayes and noes being requested thereon by Messrs. Cunningham and Noble,

Those who voted in the affirmative, were

Messrs. Berry	Hubbard,	Richey
Bryce	Lane	Ristine,
Cotton of P.	Lee,	Robbins
Cotton of S.,	Marshall	Smydth of C.

Crume
Cunningham
Garrigus,
Graham
Haymond
Helmer
Howell,

Matlock
McCrillus
Miller,
Noble
Osborn
Pabody
Reeve,

Vance
Vandeveer,
Walpole,
Williams of L.
Williams of R.
Wines of V. and
Wyman—33.

Those who voted in the negative, were

Messrs. Arnold
Bennett,
Blair
Boyd,
Burns
Carleton
Carr,
Chamberlain,
Champer
Cox
Davis
Eldridge,
Ferguson
Ferris
Hamel

Hanna,
Hawkins
Henley
Hocker,
Hood
Hurst,
Huston
Jackson,
Judah
Leviston,
Major,
Milroy
Monroe,
Morrison
Noel

Owen,
Peaslee,
Perine
Porter,
Roe,
Shook,
Sims
Smith of W.
Stapp
Tannehill
Whitman,
Williams of W
Wilson
Zenor and
Mr. Speaker—45

So said motion was decided in the negative.

And the joint resolution was then read the third time and passed.

Ordered, That the clerk inform the Senate thereof and ask their concurrence.

A message from the Senate by Mr. Dunning, a member:

MR. SPEAKER:

I am instructed by the Senate to inform the House of Representatives that the Senate have concurred in the report of the committee of free conference appointed by the two Houses to take into consideration the disagreeing vote of the two Houses relative to the amendment of the Senate to the bill of the House, entitled, an act to incorporate the Wabash Hotel Company.

The following protest was presented to be spread upon the journals of the House.

THE PROTEST of a part of the minority of the House of Representatives against a joint resolution of the General Assembly of the State of Indiana.

The undersigned, a part of the minority of the House of Representatives, enter their solemn protest against the passage of the following joint resolution of the General Assembly of the State of Indiana.

Be it resolved by the General Assembly of the State of Indiana, That our Senators in Congress be instructed, and our Representatives be requested, to use their best endeavors to procure the passage of a law pro-

viding that the notes of all State Banks that redeem their notes with specie on demand, be received in payment of public lands.

Resolved, That his Excellency the Governor be requested to forward a copy of the joint resolution to each of our Senators and Representatives in Congress.

The undersigned protest for the following amongst other reasons:

First—That in consequence of the uncourteous, undignified and unparliamentary conduct of the majority in their resort to every means, not only such as the rules of legislation barely justify, even in extreme cases; but such also as fix a stigma on legislative action, for the purpose of prohibiting deliberation and suppressing and silencing debate on the part of the minority, the undersigned feel impelled by a sense of the duty they owe to themselves and their constituents, to express their unqualified disapprobation, not only of such conduct, but of every measure carried by such means.

Second—The undersigned deem it highly improper, at a time when the immediate interests of our constituents so imperiously requires our undivided and unabated attention to our legitimate duties as does the present, that matters disconnected with these duties should be obtruded upon our deliberations.

Third—The undersigned in the most unequivocal terms of reprobation, dissent from the propriety of permitting exciting topics in reference to national policy, to interrupt that harmony so necessary to a speedy and proper discharge of our duties.

Fourth—That the joint resolution proposes “that the notes of all State Banks that redeem their notes with specie on demand, shall be received in payment of public lands,” without restriction as to the denomination of the bills thus to be received, and without providing or even suggesting any adequate means of testing the solvency of the banks, the paper of which is thus to be received.

And as the undersigned view with alarm every indication of a return of that ruinous state of things, of which recent experience has left on their minds so vivid an impression, and which would exchange the public domain for irredeemable bank paper, which, under the vague provisions of the joint resolution would inevitably and soon encumber the treasury with this vicious medium, and beggar the government so far as relates to that source of revenue, and again throw industry and prudent commercial transactions out of their natural channels; of which results, almost universal bankruptcy is the certain consequence; that state of things which would finally go far, to entail on posterity the odious relation of landlord and tenant, by enabling the mere land speculator to buy up large and choice tracts of land, to the great detriment and exclusion of that more industrious and more meritorious and valuable class of our fellow citizens, whose poverty excludes them from the enjoyment of bank favor; and which, in a word, would hold out to the the banks a resitless temptation to afford facilities for the propagation of these evils, by again expanding their issues of paper to an extent far beyond their means, and resorting to every delusive expedient to hold out false pretensions of an ability to redeem their paper. The undersigned repeat, that as they view

with alarm every indication of a return of this state of things, so they are resolved, by every justifiable means, to repel all measures tending to produce it.

E. M. CHAMBERLAIN,
SAML. MILROY,
AARON M. PERINE,
JAMES LEVISTON,
GEORGE ARNOLD,
A. MAJOR,
W. R. HADDON,
JOSEPH B. NICKEL,
ABRAM FERRIS
SHEPHERD WHITMAN,

JOHN F. CARR, of Jackson co.
D. B. HERRIMAN,
WILLIAM J. PEASLEE,
THOS. J. HENLEY,
H. SHOOK,
SAMUEL BROWN,
E. W. JACKSON,
JEPHTHA GARRIGUS,
ALEX. E. GLENN, of Dearborn.
BENJ. BOON,

of Floyd co. Z. TANNEHILL,
LEWIS BURNS, of Vermillion co. VINSON WILLIAMS.

Mr. Lane offered for adoption the following resolution:

Resolved, That the matter and language contained in the protest just read, is "uncourteous," "unparliamentary," and disrespectful to a majority of this House, with an evident intention of affixing a "stigma" on said majority, unwarranted by a correct statement of facts.

Mr. Owen moved to lay the resolution on the table.

And the ayes and noes being requested by Messrs. Cotton of S. and Bennett,

Those who voted in the affirmative, were:

Messrs. Arnold	Graham	Owen
Boyd	Gregory	Peaslee
Burns	Herriman	Roe
Carr	Henley	Shook
Chamberlain	Jackson	Vandever and
Ferris	Leviston	Williams of L—20.
Garrigus	Major	

Those who voted in the negative, were

Messrs. Bennet	Jones	Reeve
Berry	Judah	Richey
Blair	Kenton	Ristine
Cotton of P.	Lane	Robbins
Cotton of S.	Lee	Sims
Cox	Macy	Smith of W.
Cunningham	Marshall	Smydth of C.
Dowling	Matlock	Stapp
Eldridge	McClure	Thompson of A.
Ferguson	McCrillus	Vance
Hamel	Milroy	Walpole

Hanna	Monroe	Watson
Hawkins	Morrison	Whitman
Haymond	Murphey	Williams of R.
Helmer	Noble	Williams of W.
Henricks	Noel	Wilson
Hood	Osborn	Wines of G. & W.
Hubbard	Pabody	Wines of Vigo
Hurst	Perine	Wyman and
Huston	Porter	Mr. Speaker.—58.

So said resolution was not laid upon the table.

Mr. Chamberlain then withdrew the protest,
And Mr. Lane withdrew said resolution.

Mr. Crume introduced a bill No. 410, to provide for distributing the laws, which was three times read and passed.

Ordered, That the clerk inform the Senate thereof, and ask their concurrence therein.

Mr. Crume introduced a bill No. 411, for the relief of owners of canal lands, which was read three times and passed.

Ordered, That the Clerk inform the Senate thereof and ask their concurrence.

Mr. Crume introduced a bill No. 412, concerning the revenue, which was read the first and second time,

And then the House adjourned.

2 o'clock, P. M.

House met pursuant to adjournment.

And resumed the consideration of the bill under consideration when the House adjourned.

Mr. Cotton of S. moved to indefinitely postpone said bill.

Mr. Gregory moved the previous question,
Which was seconded by a majority of the House.

And on the question, shall the main question now be put?

It was carried in the affirmative.

And on the question, shall the bill be engrossed?

It was decided in the affirmative.

On motion the rules of the House were suspended, and the bill was read the third time.

When Mr. Bryce moved the previous question,
Which was seconded by a majority of the House.

And on the question, shall the main question be now put?

And the ayes and noes being requested by Messrs. Cotton of P. and Jackson,

Those who voted in the affirmative, were

Messrs. Berry	Herriman	Peaslee,
Boyd	Hood	Perine
Bryce	Howell	Reeve
Carleton	Hubbard	Richey
Chamberlain	Jones	Ristine
Champer	Judah	Robbins
Cox	Kenton	Sims
Crume	Lane	Smydth of C.
Cunningham,	Lee	Stapp
Dowling,	Macy	Tannehill,
Ferris	Marshall,	Thompson of A
Graham,	Matlock	Vance
Gregory	McClure	Vandever
Hamel	Miller	Whitman
Hanna	Morrison,	Williams of L.
Hawkins	Noble	Williams of W.
Haymond	Osborn	Wines of V. and
Helmer	Pabody	Wyman—55.
Henricks		

Those who voted in the negative, were

Messrs. Arnold	Ferguson	Monroe
Bennett	Garrigus	Noel
Blair,	Hocker	Owen
Burns	Hurst	Porter
Carr	Huston	Shook
Cotton of P.	Jackson	Walpole
Cotton of S.	Leviston	Watson
Davis	Major	Williams of R.
Eldridge	Milroy	Zenor—27.

So the main question was put, to wit: shall the bill pass?

And the ayes and noes being requested thereon by Messrs. Cotton of S. and Crume.

Those who voted in the affirmative, were

Messrs. Berry	Howell	Reeve
Boyd	Hubbard	Richey
Bryce	Jones	Robbins
Carleton	Judah	Ristine
Chamberlain	Kenton	Sims
Champer	Lane	Smith of W.
Cox	Lee	Smydth of C.
Crume	Macy	Stapp
Cunningham	Marshall	Tannehill
Dowling	Matlock	Thompson of A.
Ferris	McClure	Vance

Graham
Hamel
Hanna
Hawkins
Haymond
Helmer
Henricks
Herriman
Hood

Miller
Morrison
Noble
Osborn
Owen
Pabody
Perine
Proffitt

Vandever
Walpole
Whitman
Williams of L.
Williams of R.
Williams of W.
Wines of V. and
Wyman—58.

Those who voted in the negative, were

Messrs. Arnold
Bennet
Blair
Burns
Carr
Cotton of P.
Cotton of S.
Davis
Eldridge

Ferguson
Garrigus
Gregory
Henley
Hocker
Hurst
Huston
Jackson
Leviston

Major
Milroy
Monroe
Noel
Peaslee
Porter
Shook
Watson
and Zenor—27.

So said bill passed.

Ordered, That the clerk inform the Senate thereof and ask their concurrence therein.

Mr. Bryce presented the following protest, which is entered on the journals of the House:

The undersigned protests against the joint resolution passed this House on ——— day of February, instructing our Senators and requesting our Representatives to use their influence to procure the passage of a law, authorizing the receivers of the various land offices to take in payment for the sale of public lands, bank notes of specie paying banks, for the following reasons:

1st. Because it required the United States, if the law proposed should pass, to receive notes of any denomination; whilst we have a law in our own State, prohibiting our own citizens under a penalty from receiving any bank notes under the denomination of five dollars.

2ndly. Because the House refused an amendment proposed by him to provide that no note under ten dollars, should be received.

JOHN BRYCE.

On motion, Mr. Whitman is added to the joint committee on Enrolled Bills.

On motion of Mr. Howell,

The committee of the Whole is discharged from the further consideration of the Bill No. 270, to regulate the mode of doing county business in this State.

And the same was read a third time and passed.

Ordered, That the clerk inform the Senate thereof, and ask their concurrence therein.

Mr. Judah made the following report:

MR. SPEAKER:

The committee of free conference to which was referred the disagreeing votes between the Senate and House of Representatives upon an amendment made by the House to an engrossed bill of the Senate No. 81, entitled a bill regulating damages on protested bills of exchange, have had under their consideration, the subject referred to them, and have instructed me to report to the House that they have agreed to retain in said bill the 8th, 9th, 10th lines, which were stricken out by the House and disagreed to by the Senate, and to recommend to the two Houses that the word "six" be stricken from the 8th line, and the word "five" inserted in lieu thereof.

Which was concurred in by the House.

Ordered, That the clerk inform the Senate thereof.

A message from the Senate by Mr. Dunning, a member:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed an engrossed bill thereof,

No. 361, entitled an act to provide for the times of holding the circuit courts in the seventh judicial circuit in the State of Indiana,

In which the concurrence of the House is respectfully requested.

The bill No. 361, named in the message, was read three times and passed.

Ordered, That the clerk inform the Senate thereof.

A message from the Senate by Mr. Thompson of P., a member,

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed bill of the House of Representatives,

No. 400, entitled a bill fixing the time of holding courts in the 4th judicial circuit with an amendment,

In which the concurrence of the House is respectfully requested.

On motion, the House, concurred in the amendment made to the bill of the House named in the message.

Ordered, That the clerk inform the Senate thereof.

A message from the Senate by Mr. Test, their Secretary,

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate has passed engrossed bills of the House as follows:

No. 9, an act to legalize the election of Seminary Trustees in Hancock county.

No. 17, an act to declare a misprint,

No. 37, an act to amend the 16th section of an act relating to State roads approved February 6th, 1837.

No. 58, an act to amend an act entitled an act to appropriate part of the three per cent. fund in the county of Bartholomew, approved February 3, 1837.

No. 98, an act to amend an act for the formation of the county of Brown approved, February 4, 1836,

No. 394, a joint resolution relative to the injury done the public works on the Wabash river by the late floods,

Each without amendment.

The Senate has passed engrossed bills,

No. 51, an act to correct a misprint and to legalize the location of a State road from Muncietown to Fort Wayne.

No. 79, an act to authorize the Board doing county business of Tippecanoe county to make certain payments therein described.

No. 166, an act to locate a state road therein named,

No. 336, an act to provide for the salary of William Polke, late commissioner of the Michigan road,

And a joint resolution thereof entitled, No. 360, a joint resolution relative to John G. Burch of Daviess county,

In all of which the concurrence of the House is respectfully requested.

The Senate has concurred in the amendments of the House to the engrossed bills of the Senate entitled,

No. 91, an act to establish and regulate ferries.

No. 95, an act relative to opening and repairing public roads, and highways and for other purposes.

Also, the Senate has passed an engrossed bill of the House No. 386, entitled an act to change the lease of a part of the University Square in the town of Indianapolis with an amendment, in which the concurrence of the House is also respectfully requested;

Also the Senate has passed engrossed bills of the House of Representatives as follows, No. 274, an act providing for a uniform mode of doing township business in the several counties in this State, and

No. 305, an act for the incorporation of the town of Raysville.

The latter without amendment, the first with amendments in which the concurrence of the House is respectfully requested.

Also the Senate has passed an engrossed bill thereof entitled, No. 183, an act to amend an act entitled an act to incorporate the Lawrenceburgh Bridge Company, approved January 24, 1831, in which the concurrence of the House is also requested.

The bill of the Senate No. 54, named in the message, was read three times, and on motion,

Ordered, That the same do lie upon the table.

The bills of the Senate No. 79, 166, 183, 336, and a joint resolution No. 360, named in the message, were severally read three times and passed.

Ordered, That the clerk inform the Senate thereof.

The amendments of the Senate to bill of the House, No. 386, named in the message, were read and concurred in.

Ordered, That the clerk inform the Senate thereof.

On motion, the House concurred in the amendments made by the Senate to bill of the House No. 274, named in the message, with an amendment, to wit, by inserting the word "Hancock" therein.

Ordered, That the clerk inform the Senate thereof and ask their concurrence.

A message from the Senate by Mr. Test, their Secretary.

MR. SPEAKER:

The Senate continue to insist upon their amendment to the engrossed bill of the House No. 89, entitled an act organizing Jasper county.

And Messrs. Cathcart and Crawford are appointed a committee of free conference to act with the committee appointed on the part of the House to take into consideration the disagreement of the two Houses.

Also, the Senate continues to insist on their 2nd amendment to the bill of the House No. 172, entitled an act to incorporate the Wabash Hotel Company.

And Messrs. Stanford and Mitchell are appointed the committee of free conference to act with the committee appointed on the part of the House to take into consideration the disagreement of the two Houses.

The Senate concurs in amendments of the House to the bill of the Senate No. 314, entitled, an act organizing the Supreme Court and defining its powers and duties.

The Senate has passed an engrossed bill thereof No. 187, entitled, an act for the protection of the canals belonging to the State, the collection of tolls thereon, and for other purposes.

In which the concurrence of the House is respectfully requested.

Also, the Senate has passed an engrossed bill of the House No. 238, entitled, an act to amend an act to incorporate the town of Jeffersonville in the county of Clark, without amendment.

The bill No. 187, named in the message, was read the first and second time, and referred to to the committee on Canals and Internal Improvements.

A message from the Senate by Mr. Test, their Secretary.

MR. SPEAKER:

The Senate has passed an engrossed bill of the House of Representa-

tives No. 135, entitled, an act regulating descents, distribution and dower with amendment.

In which the concurrence of the House is requested.

On motion, the House refused to concur in the amendment of the Senate to the bill of the House, named in the message.

Ordered, That the clerk inform the Senate thereof.

A message from the Senate by Mr. Test, their Secretary:

MR. SPEAKER:

I am instructed by the Senate to inform the House of Representatives that the Senate has concurred in the report of the committee of free conference appointed to take into consideration the disagreeing votes of the two Houses upon an amendment made by the House to an engrossed bill of the Senate, entitled a bill regulating damages on protested bills of exchange.

A message from the Senate by Mr. Test, their Secretary.

MR. SPEAKER:

The Senate has passed an engrossed bill thereof entitled, an act relative to county boundaries.

In which the concurrence of the House is requested.

Which was twice read and laid upon the table.

Mr. Gregory made the following report, which was read and concurred in by the House:

MR. SPEAKER:

The committee of free conference on the disagreement between the two Houses on the bill to organize Jasper county, and for other purposes, have agreed to strike out the bill from the enacting clause and inserting a substitute therefor.

A message from the Senate by Mr. Cathcart, a member.

MR. SPEAKER:

The Senate has passed an engrossed bill thereof No. 367, entitled an act to incorporate the Trustees of the Laporte University.

In which the concurrence of the House of Representatives is most respectfully requested.

The bill No. 397, named in the message, was read three several times and passed.

Ordered, That the clerk inform the Senate thereof.

The following message was received from the Senate by Mr. Baird of St. Joseph, a member:

MR. SPEAKER:

I am instructed by the Senate to inform the House of Representatives, that the Senate has passed an engrossed bill thereof, No. 62, entitled a bill to incorporate the Mishawaka iron and manufacturing company,

In which the concurrence of the House of Representatives is requested. The bill named in the message was read three times and passed.

Ordered, That the clere inform the Senate thereof.

A message from the Senate by Mr. Test their Secretary,

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the amendments of the House to the bills of the Senate, entitled

No. 60, an act to amend an act entitled an act to provide for distributing so much of the suplus revenue of the United States as the State of Indiana may be entitled to receive, by virtue of an act of Congress, approved June 23, 1836, approved February 6, 1837.

No. 175, an act to authorize the loaning of the college funds.

No. 310, an act to incorporate the town of Terre Haute.

The first with an amendment, in which the concurrence of the House is respectfully requested.

The Senate has receded from their amendment to the bill of the House entitled No. 256, an act relating to the office of school commissioner in certain counties.

Also, the Senate has passed engrossed bills thereof as follows, viz:

No. 24, an act to abolish public executions.

No. 33, an act providing for the recording of mortgages for personal property.

No. 100, an act locating a State road from Napoleon to a point near Elihu Galloways.

No. 111, an act to make a State road through a part of Warren and Vermillion counties.

No. 125, an act for the appointment of trustees to receive deeds for lots or lands given or purchased for the use of schools, meeting houses and masonic lodges.

No. 147, an act to locate a State road therein named.

No. 148, an act to locate a State road from Strawtown to Rochester.

No. 150, an act to locate a State road from Kankakee to Laporte.

No. 169, an act relative to crime and punishment.

No. 315, an act for the safe keeping of prisoners committed under the authority of the United States, into any of the jails of this State, and for other purposes.

No. 355, an act for the formation of a special school district in Marion county.

No. 356, an act to change the mode of doing county business in the county of Scott.

In each of which the concurrence of the House is respectfully requested.

Also, the Senate passed an engrossed bill thereof No. 119, entitled an act for the formation of Union school district,

In which also they ask the concurrence of the House.

Also, the Senate has passed engrossed bills of the House of Representatives, as follows, viz:

No. 96, an act to change the name of the towns of St. Joseph Iron works and Indiana city in St. Joseph's county, to that of Mishawaka.

No. 240, an act authorizing an additional justice of the peace to Scott and Coal creek townships, in Montgomery county.

No. 302, an act to change the name of a town.

No. 375, an act to amend an act entitled an act to incorporate the town of Greensburg, Decatur county, approved February 4, 1837.

No. 376, an act to incorporate the Union rail road company.

No. 379, an act to change a part of the State road between Charles-town and Jeffersonville.

No. 381, an act to incorporate the town of Lebanon in the county of Boon.

No. 382, an act concerning public defaulters.

No. 383, an act for the relief of J. T. Shields and others.

No. 391, an act relative to a certain State road in Clay county.

No. 389, an act legalizing the sale of school lands in Parke county.

No. 395, an act to re-locate a part of the Bloomington and Rockport State road, and to establish a State road therein named.

And also, joint resolution as follows, viz:

No. 378, a joint resolution on the subject of the revision of the laws.

And No. 392, a joint resolution on the subject of a canal from St. Mary's, Ohio, to Fort Wayne, Indiana; each without amendment.

The House disagreed to the amendment of the Senate to the amendment of the House to the bill of the Senate No. 60, named in the message.

Ordered, That the clerk inform the Senate thereof.

The bill of the Senate No. 24, named in the message, was read the first time, and on motion of Mr. Crume, the same was rejected.

The bill of the Senate No. 33, named in the message, was read the first time, when Mr. Henley moved to reject the same.

Which was decided in the negative.

The bill was then read the second and third times,

And on the question shall the bill pass?

The ayes and noes being required thereon by Messrs. Henley and Burns,

Those who voted in the affirmative, were

Messrs. Arnold
Bennett

Helmer
Henricks

Pabody,
Peaslee

Berry	Hood	Perine
Blair	Hubbard	Porter
Boyd	Huston	Proffit
Bryce	Jones	Reeve
Carleton	Judah,	Ristine
Carr	Lane	Robbins,
Chamberlain	Lee	Shook
Crume	Leviston	Smith of W.,
Cunningham	Major	Stapp
Davis	Macy	Thompson of A.
Dowling	Marshall	Vance
Eldridge	Matlock	Walpole
Ferguson,	McClure	Whitman
Ferris	Miller	Williams of L.
Graham	Milroy	Williams of W.
Gregory,	Morrison,	Wines of G. & W
Hamel	Noble	Wines of V.
Hanna	Noel	Wyman and
Hawkins	Osborn	Zenor—64
Haymond,	Owen	

Those who voted in the negative were,

Messrs. Burns	Henley,	Monroe
Cotton of P.	Hocker	Smydth of C.
Cotton of S.	Jackson	Tannehill and
Cox	Kenton	Watson—13.
Garrigus		

So said bill passed.

Ordered, That the clerk inform the Senate thereof.

The bill No. 111, named in the message, was read the first and second time. and referred to a select committee of Messrs. Burns, Porter and Gregory.

The bill No. 169, named in the message, was twice read and referred to a select committee of Messrs. Marshall, Milroy and Chamberlain.

The bills of the Senate No. 100, 125, 147, 148, 150, 313, 355, 356, and 119, named in the message, were severally read three times and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Bennett moved the following resolution:

Resolved, That the public printer be directed to print 200 copies of the report of the Fund Commissioners made on yesterday; and that he cause them to be enveloped and a proportionate share sent to each member of this House by mail.

Which, on motion of Mr. Judah, was amended by adding thereto, at the expense of the State.

And was then adopted.

On motion of Mr. Milroy,

The joint resolution of the House No. 321, to complete the survey of the White Water Canal, was taken from the table.

And on motion of Mr. Macy, amended by adding the following:

Be it further resolved, That it shall be the duty of the Board of Internal Improvement to cause a survey to be made during the ensuing summer with a view of connecting the White Water and Central Canals by a McAdamized turnpike road, commencing at the point where the White Canal crosses the National Road, and from thence to be continued by the way of New Castle in Henry county, to intersect the Central Canal in Madison or Delaware counties as the same may be found best calculated to promote the interest of the State.

When, on motion, said joint resolution was again laid upon the table.

Mr. Carr made the following report:

MR. SPEAKER:

The joint committee on enrolled bills report that they have compared the enrolled with the engrossed bills of the Senate as follows:

No. 43, an act to alter and define the boundary lines of Grant county.

No. 320, an act to change the name of the town of Maukport in the county of Harrison to that of New Market.

No. 347, an act to legalize the sale of certain town lots therein named and for other purposes.

No. 334, an act to amend an act entitled an act to incorporate the town of Perrysville in the county of Vermillion, approved Jan. 29, 1831.

No. 128, an act for the protection of bridges.

No. 335, an act to provide for holding a term of the circuit court in the county of Cass.

No. 328, an act prescribing the mode of changing the venue in criminal cases.

No. 307, an act for the incorporation of public libraries.

No. 309, an act for the incorporation of agricultural societies.

No. 317, an act to regulate the mode of summoning and empannelling grand and petit jurors.

No. 342, a joint resolution relative to the State Printing for 1838.

No. 346, an act declaring certain county roads therein named state roads.

No. 348, an act for the formation of the ninth judicial circuit and fixing the times of holding courts therein.

No. 175, an act to authorize the loaning of the College funds.

No. 321, a joint resolution on the subject of extending the grant of land for the Wabash and Erie Canal.

No. 188, of the Senate for the relief of Wirts and Reinhard of the city of Louisville and State of Kentucky.

And find the same truly enrolled,

Whereupon the Speaker signed the same.

Ordered, That the clerk carry them to the Senate for the signature of their President.

Mr. Graham from the joint committee on enrolled bills made the following report.

MR. SPEAKER:

The joint committee on enrolled bills report that they did this day compare the enrolled with the engrossed bills and joint resolution of the House and find the same truly enrolled, to wit:

373, an act to incorporate the Armiesburgh bridge company.

372, a joint resolution of the General Assembly of the State of Indiana.

328, an act to legalize the conveyance of lot No. 1, in Princeton, Gibson county to the board of trustees of the Gibson county Seminary.

363, an act to amend an act entitled, an act to incorporate the Mount Carmel and New Albany rail road company, approved Feb. 4, 1837.

182, an act to organize the county of Whitley.

344, an act fixing the compensation of the commissioner of the saline lands in Orange county.

175, an act directing the mode of suing out and prosecuting the writ of habeas corpus.

113, an act to provide for the improvement of the navigation of the Big St. Joseph River.

186, an act to authorize the seizure of boats and other vessels for debt.

84, an act to legalize the acts of the recorder of Jackson county.

211, an act to incorporate the Crawfordsville and Williamsport turn-pike company.

165, an act authorizing the act of disseisin.

187, an act in relation to proceedings upon writs of mandamus and information on the nature of quo warranto.

131, an act to provide for the improvement of the Wabash river.

266, an act authorizing Arthur McClure to build a bridge across the Grand Calumet river.

354, an act authorizing the appointment of constables and defining their duties.

144, an act regulating distress for rent.

356, an act to incorporate the Exchange Hotel Company.

238, an act to amend an act entitled an act to incorporate the town of Jeffersonville in the county of Clark.

And find the same truly enrolled.

Whereupon the Speaker signed the same.

Ordered, That the clerk carry them to the Senate for the signature of their President.

On motion,

Mr. Cotton of S, was added to the committee on enrolled bills.

And then the House adjourned until to-morrow morning 8 o'clock.

SATURDAY MORNING, FEB. 17, 1838.

The House met pursuant to adjournment.

Mr. Stapp from the committee on canals and internal improvements to whom was referred the bill of the Senate No. 187, for the protection of the canals belonging to the State, the collector of tolls thereon and for other purposes, reported the same back to the House with several amendments.

Which were concurred in.

And on the question shall the bill pass,

The ayes and noes being requested by Messrs. Eldridge and Perine

Those who voted in the affirmative, were

Messrs. Ferry,	Henricks	Porter
Boyd	Helmer	Reeve
Bryce	Herriman	Richey
Carleton	Hocker	Ristine
Carr	Hood,	Smydth of C.
Chamberlain,	Hubbard	Stapp,
Champer	Hurst	Tannehill
Cox	Huston	Thompson of A
Crume,	Kenton	Vance,
Cunningham	Lane,	Vandever
Davis	Lee	Watson
Ferguson	Leviston	Whitman
Ferris	Macy,	Williams of L.
Graham	Major,	Williams of R.
Gregory	Monroe	Williams of W
Hamel	Noble	Wines of V. and
Hanna,	Noel	Mr. Speaker—56.
Hawkins	Osborn	
Haymond	Pabody	

Those who voted in the negative, were

Messrs. Arnold	Henley	Roe
Bennett	Howell	Shook,
Cotton of S.	Jackson	Wilson and
Eldridge	M'Clure	Zenor—14.
Garrigus	Perine	

So said bill passed.

Ordered, That the clerk inform the Senate thereof, and ask their concurrence in the amendments of the House.

Mr. Graham introduced a joint resolution No. 413, for the survey of a harbor at Indiana city,

Which was three times read and passed.

Ordered, That the clerk inform the Senate thereof, and ask their concurrence,

Mr. Vandever introduced a bill No. 414, to vacate so much of the State road from Fredonia in Crawford county to Mount Pleasant in Martin county, as lies between Young's Creek, in Orange county, and the Martin county line;

Which was twice read and laid upon the table.

On motion the bill of the Senate, relative to county boundaries, was taken from the table.

And read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

The following message was received from the Senate by Mr. Test, their Secretary:

MR. SPEAKER:

The Senate has passed engrossed bills thereof as follows to-wit:

No. 38, entitled an act for establishing a State road from Landing ferry to intersect the Patriott and Versailles road,

No. 61, an act to authorize the relocating of a State road in Gibson county,

No. 66, an act to amend an act entitled an act to provide for distributing so much of the surplus revenue of the United States as the State of Indiana may be entitled to receive by virtue of an act of Congress approved June 23, 1836, and

No. 70, an act to provide for the location of the Richmond, Spartanburgh and Fort Wayne State Road.

In each of which the concurrence of the House is respectfully requested.

Also, the Senate has passed engrossed bills of the House of Representatives as follows:

No. 318, an act making specific appropriations for the year eighteen hundred and thirty eight, and

No. 317, an act making general appropriations for the year eighteen hundred and thirty eight,

Each with amendments in which the concurrence of the House is respectfully requested.

The bills of the Senate No. 38, 61, 66, named in the message were severally read three times and passed.

Ordered, That the clerk inform the Senate thereof.

The bill of the Senate No. 70, named in the message, was three times read and laid upon the table.

The House concurred in the amendment made by the Senate to the bill of the House,

No. 318 named in the message, with an amendment to the first amendment, made on motion of Mr. Milroy, by striking \$300 and inserting \$500; and also with an amendment to the second amendment of the Senate to the aforesaid bill of the House.

Ordered, That the Clerk inform the Senate thereof, and ask their concurrence therein,

The bill of the House No. 117 named in the message, was taken up, being next in order, and on the question, will the House concur in the amendments made thereto by the Senate,

And the ayes and noes being requested thereon by Messrs. Crume and Blair,

Those who voted in the affirmative, were

Messrs. Bryce,	Hood	Proffit
Chamberlain	Hubbard	Robbins
Champer	Huff	Shook
Cox,	Hurst	Sims
Dowling	Huston	Smydth of C
Eldridge	Kenton	Stapp
Graham	Major	Thompson of A
Gregory,	McCrillus	Vance
Hamel	Milroy	Whitman
Hanna	Monroe,	Williams of W
Hawkins	Morrison	Wilson
Haymond	Noble	Wines of V.
Henley	Pabody	Zenor and
Helmer	Peaslee	Mr. Speaker—44
Herriman	Perine	

Those who voted in the negative, were

Messrs Arnold,	Ferris	Osborn
Bennett,	Garrigus	Porter
Berry	Hocker	Reeve
Blair	Jackson	Richey
Burns	Judah,	Ristine
Carleton	Lane	Roe
Carr	Lee	Tannehill
Cotton of P.	Leviston	Vandever
Cotton of S.	Macy	Watson,
Crume	Marshall	Williams of L.
Cunningham	Matlock	Williams of R. and
Davis	McClure	Wines of G. & W.
Ferguson	Miller	—38.

So said amendment was concurred in.

Ordered, That the clerk inform the Senate thereof.

A message from the Senate by Mr. Test, their Secretary.

MR. SPEAKER:

The Senate has passed engrossed bills of the House of Representatives, as follows, viz:

No. 47, an act relating to the collection of the State and county revenue in the county of Lake.

No. 48, an act to repeal an act entitled an act relative to the jurisdiction and duties of justices of the peace in Clay county.

No. 51, an act granting additional time for the collection of revenue in Porter county.

No. 71, an act for the relief of John Carmichael.

No. 137, an act regulating the taking up of animals going astray, and water crafts, and other articles of value adrift.

No. 339, an act relating to taverns and tavern keepers in the county of Vermillion.

No. 345, an act giving the State of Illinois the right of way within this State, to connect the northern cross rail road in Illinois with the Wabash and Erie canal at Perrysville, Indiana.

No. 347, an act repealing all laws and parts of laws now in force, granting premiums for wolf scalps.

And No. 407, an act supplemental to an act entitled an act to incorporate the town of Paoli, in Orange county, approved Feb. 15, 1838.

Each without amendment.

Also, the Senate has passed engrossed bills and a joint resolution, as follows, viz:

No. 55, an act declaring Sugar creek, in Parke county, a public highway.

No. 126, an act to authorize an additional justice of the peace in Brown township, in Montgomery county, Indiana.

No. 340, an act to amend an act entitled an act to provide for a General System of Internal Improvements, approved January 27, 1836.

No. 397, an act for the relief of Willis G. Atherton and others.

And No. 293, a joint resolution relative to the purchase of maps.

Each with amendment, in which the concurrence of the House is requested.

Also, the Senate has passed engrossed bills thereof, entitled

No. 52, an act to regulate the summoning jurors in the 6th judicial circuit.

And No. 88, an act authorizing a survey of a road in Clinton and and Carroll counties,

In each of which also the concurrence of the House is respectfully requested.

The amendments of the Senate to bills of the House No. 55, 340, 379, 293, named in the foregoing message, were severally read and concurred

in; and the House refuses to concur in the amendments of the Senate to bill of the House No. 126, named in the message.

Ordered, That the clerk inform the Senate thereof.

The bills of the Senate No. 52, named in the message, was read three times and passed.

Ordered, That the Senate be informed thereof.

The bill of the Senate, named in the message, No. 188, was read the first and second times and laid on the table.

A message from the Senate by Mr. Test, their Secretary.

MR. SPEAKER;

The Senate has concurred in the 1st, 2nd, 4th, 5th, 6th and 7th amendments of the House to the engrossed bill of the Senate No. 168, entitled an act regulating the duties and jurisdiction of justices of the peace.

The 7th, with an amendment, in which the concurrence of the House is respectfully requested.

And the Senate refuses to concur in the 3d amendment thereof and Messrs. Dunning and Thompson of P. are appointed a committee of free conference to act with a similar committee on the part of the House to take into consideration the disagreement of the two Houses on the subject of said amendment.

The House, on motion, concurred in the 1st amendment of the Senate to the amendment of the House to bill No. 168, named in the message.

And insists on its 3d amendment to said bill, and Messrs. Crume and Chamberlain are appointed a committee of free conference on the part of the House to take into consideration the disagreement of the two Houses on that subject.

Ordered, That the clerk inform the Senate thereof.

A message from the Senate by Mr. Daily a Senator.

MR. SPEAKER:

The Senate has passed an engrossed bill of the House of Representatives entitled, No. 125, an act to incorporate the Jeffersonville Savings Institution with an amendment.

In which the concurrence of the House is requested.

On motion, the House concurred in the amendment of the Senate to the bill of the House No. 125, named in the message.

Ordered, That the Senate be informed thereof.

A message from the Senate by Mr. Test, their Secretary.

MR. SPEAKER:

I am instructed by the Senate to inform the House of Representatives, that the Senate has concurred in the amendment of the House to the engrossed bill of the Senate No. 187, entitled, an act for the protection of the canals belonging to the State, the collection of tolls thereon and for other purposes.

The fourth with an amendment, in which the concurrence of the House is respectfully requested.

On motion, the House refused to concur in the amendment of the Senate to amendment of the House, to bill of the Senate No. 187, named in the message.

Ordered, That the clerk inform the Senate thereof.

A message from the Senate by Mr. Kennedy, a Senator.

MR. SPEAKER:

The Senate has passed engrossed bills of the House of Representatives entitled No. 78, an act granting certain powers and privileges to the grantee therein named.

And No. 199, an act to legalize the election of trustees of the Presbyterian Church of Sand Creek, Decatur county.

Each without amendment.

A message from the Senate by Mr. Morgan, a member.

MR. SPEAKER:

I am instructed by the Senate to inform the House of Representatives that the Senate has passed an engrossed bill thereof No. 364, entitled a bill to vacate part of the street on the donation near Indianapolis.

In which the concurrence of the House is respectfully requested.

The bill No. 364, named in the message, was read the first and second times, and referred to a select committee of Messrs. Bryce, Shook and Cox.

A message from the Senate by Mr. Dunning, a member.

MR. SPEAKER;

I am instructed by the Senate to inform the House of Representatives, that the Senate has passed an engrossed bill No. 368, entitled a bill supplemental to an act entitled, entitled an act authorizing the sale of certain school lands therein named, and for other purposes, approved January 1st, 1838.

In which I am instructed respectfully to ask the concurrence of the House.

The bill No. 368, named in the message, was read three times and passed.

Ordered, That the clerk inform the Senate thereof.

A message from the Senate by Mr. Thompson L. a member.

Mr. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has disagreed to the first amendment of the House to the bill of the Senate No. 311, entitled a bill providing means by addi-

tional State stock for liquidating interest on the internal improvement loans for the state, and have concurred in the remaining amendments of the House, with amendments.

In which the concurrence of the House is requested.

Mr. Stapp moved that the House recede from its amendment to the bill of the Senate, No. 311, named in the message.

And the ayes and noes being requested thereon by Messrs. Judah and Proffitt,

Those who voted in the affirmative were:

M ssrs. Blair	Hood	Robbins
Carleton	Kenton	Sims
Champer	Lane	Stapp
Cox	Lee	Tannehill
Cunningham	Macy	Thompson of A.
Eldridge	Marshall,	Vance,
Graham	M'Clure,	Watson
Hamel	Morrison	Williams of W.
Hanna	Noble	Wines of G. & W
Hawkins,	Pabody	Wines of V
Haymond	Porter	Wyman and
Helmer,	Richey	Mr. Speaker.—38
Henricks	Ristine	

Those who voted in the negative, were

Messrs. Arnold	Howell	Perine,
Bennett	Huston	Proffitt,
Berry	Jackson	Reeve
Boyd	Judah	Roe
Bryce	Leviston	Shook
Chamberlain	Major	Smydth of C
Cotton of P.	Matlock,	Vandever
Cotton of S.	McCrillus	Walpole
Crume,	Miller	Whitman
Davis	Milroy	Williams of L.
Ferguson	Monroe	Williams of R.
Ferris	Noel	Wilson and
Garrigus,	Osborn	Zenor.—41.
Herriman	Peaslee	

So said motion did not prevail, and the House insists on said amendment.

The House refused to concur in the second amendment of the Senate to the amendment of the House to said bill.

And also refuses to concur in the 3d, 5th and 6th amendments thereto, and the Chair appoints Messrs. Judah and Proffitt a committee of free conference on the part of the House to act with a similar committee on the part of the Senate to take into consideration the disagreement between the two Houses on that subject.

Ordered, That the Senate be informed thereof and a similar committee on their part requested.

A message from the Senate by Mr. Dunning, a member.

MR. SPEAKER:

I am instructed by the Senate to inform the House of Representatives that the Senate has passed an engrossed joint resolution, No. 370, entitled a joint resolution relative to the Jeffersonville and Crawfordsville McAdamized turnpike road.

The joint resolution No. 370, named in said message, was twice read and laid upon the table.

A message from the Senate by Mr. Test, their Secretary:

MR. SPEAKER:

The Senate has concurred in the amendments of the House of Representatives to the engrossed bill of the Senate No. 327, entitled an act to incorporate congressional townships, and providing for public schools therein.

The Senate has passed an engrossed bill thereof, entitled No. 141, an act regulating the fees and salaries of the several officers and persons therein named.

No. 173, an act concerning the Auditor of Public Accounts and the Treasurer of State.

In which the concurrence of the House of Representatives is respectfully requested.

The bills of the Senate No. 141 and 173, named in the foregoing message, were read the first time and rejected.

The bill No. 33, directing the Treasurer of State to pay certain money, was read the second and third times and passed.

Ordered, That the clerk inform the Senate thereof, and ask their concurrence therein.

Mr. Bryce made the following report:

MR. SPEAKER:

The select committee to whom was referred a bill of the Senate No. 364, vacating part of a street on the donation near Indianapolis, have had the same under consideration, and have directed me to report the same back without amendment.

The bill named in said report was then read the third time and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Marshall made the following report:

MR. SPEAKER:

The select committee to which was referred an engrossed bill of the Senate entitled an act relative to crime and punishment, have had the same under consideration, and finding the same not accurately revised, but that parts of the law on that subject now in force has been overlooked, and your committee not having time to examine the same with proper care, have directed me to report the same back to the House, and recommend its indefinite postponement.

Which was concurred in by the House, and the bill named indefinitely postponed.

And then the House adjourned.

2 o'clock, P. M.

The House met pursuant to adjournment.

On motion of Mr. Osborn the bill No. 215, to enable persons to remove fences made by mistake on the lands of other persons, was taken from the table.

Said bill was then read three times and passed.

Ordered, That the clerk inform the Senate thereof and ask their concurrence.

Mr. Crume introduced a joint resolution No. 415, in relation to the duties of the Secretary of State, which was read three times and passed.

Ordered, That the clerk inform the Senate thereof and ask their concurrence.

The House then proceeded to the consideration of the orders of the day

The bill No. 322, authorizing the Board of Commissioners of Clay county to the bill of the Senate No. 190, to authorize the election of a justice of the peace in Yorktown.

The bill of the Senate No. 300, attaching canal port to the town of Petersburg, in Pide county, for corporation purposes.

The bill of the Senate No. 301, to provide for the election of a justice of the peace in the town of Middletown, Shelby county.

The bill of the Senate No. 318, appointing commissioners for certain purposes therein named.

And the following bills of the House to wit:

No. 300, to authorize the Board doing county business in Gibson county to levy and collect tolls on a certain bridge in said county.

No. 229, to appoint escheators and defining their duties,

Were severally read the second and third times and passed.

Ordered, That the clerk inform the Senate thereof, and ask their concurrence in the bills of the House.

A bill of the House of the following title, to wit:

No. 190 prescribing the manner of changing the venue in criminal cases, was read second time and passed to a third reading on to-morrow.

The joint resolution relative to the public works No. 323, was read the third time and laid upon the table.

The committee of the whole was discharged from the further consideration on the bill No. 143, regulating the militia of this State, and

On motion,

Ordered, That the same do lie upon the table.

On motion the committee of the whole was discharged from the further consideration of the bill No. 272, relating to evidence, and the bill was read the third time and passed.

Ordered, That the clerk inform the Senate thereof and ask their concurrence.

The bill No. 268, providing means by additional State Bank Stock for liquidating the interest on the Internal Improvement loans of this State, was read the second time and laid upon the table.

A joint resolution on the subject of pre-emption rights, was read the second time and laid upon the table.

The bill No. 140, concerning the Secretary of State, was read a second time and laid upon the table.

The bill No. 132, to abolish imprisonment for debt, was read the second time, and laid upon the table.

On motion of Mr. Stapp the committee of the whole was discharged from the further consideration of the bill No. 275, for the protection of canals, rail roads, McAdamized and Turnpike roads, belonging to the State, and for other purposes,

And said bill was indefinitely postponed.

The bill No. 68, to amend an act entitled an act giving to mechanics a lien upon buildings, was read the second time, and indefinitely postponed.

A message from the Senate by Mr. Test their Secretary.

MR. SPEAKER:

The Senate has concurred in the amendments of the House to the first amendment of the Senate to the Engrossed Bill of the House No. 318, entitled an act making specific appropriations for the year eighteen hundred and thirty eight.

They have refused to concur in the amendment of the House to the second amendment of the Senate to the same bill;

And they have receded from the fourth amendment of same bill.

Also the Senate insists on their amendments to the bill of the House No. 317, entitled an act making general appropriations for the year eighteen hundred and thirty eight.

Also the Senate has passed engrossed bill of the House No. 399, entitled an act to establish certain state roads therein named and for other purposes, with amendments in which the concurrence of the House is requested.

On motion, the House concurred, in the first amendment of the Senate, to the bill of the House No. 318, named in said message.

And the House recedes from its amendment to the amendment of the Senate to the last named bill, and the House insists on its third amendment to the amendment of the Senate to the aforesaid bill,

And Messrs. Dowling and Thompson are appointed a committee of free conference on the part of the House to take into consideration with a similar committee on the part of the Senate, the disagreement between the two Houses.

Ordered, That the Senate be informed thereof, and a similar committee on their part be requested.

On motion, the House concurred in the amendments of the Senate, to the bill of the House No. 399, named in the last message.

Ordered, That the Senate be informed thereof.

A message from the Senate by Mr. Dunning, a member:

MR. SPEAKER:

I am instructed by the Senate to inform the House of Representatives that the Senate have insisted on their amendment to the bill of the House No. 317, entitled an act making general appropriations for the year eighteen hundred and thirty eight, and have appointed Messrs. Puett and Vawter a committee of free conference to act with the committee of the House appointed to take into consideration the disagreeing votes of the two Houses.

Mr. Crume made the following report:

MR. SPEAKER:

The committee of free conference appointed to take into consideration the disagreeing votes of the Senate and House of Representatives on the bill regulating the jurisdiction and duties of justices of the peace report that they have agreed that the Senate recede from their amendment.

Which was concurred in.

Mr. made the following report:

MR. SPEAKER:

The select committee to which was referred a bill No 111, to make a

State road through a part of Warren and Vermillion counties, have had the same under consideration, and directed me to report the same back to the House with ten amendments, which are to strike out all of the first section after the words slip bank, and in the 2nd line of the 4th section strike out three and insert two.

Which was read and concurred in, and the bill therein named was read the third time and passed.

Ordered, That the clerk inform the Senate thereof and ask their concurrence therein.

The bill No. 83 from the Senate, to provide for the partition of real estate, was twice read and indefinitely postponed.

The bills of the House No. 163, prescribing the mode of changing the venue, and No. 139, establishing the office and defining the duties of notary public, were read the second time, and laid upon the table.

A message from the Senate by Mr. Dunning, a member:

MR. SPEAKER:

I am instructed by the Senate to inform the House of Representatives, that the Senate insist upon their amendment made to the bill of the House No. 135, entitled an act regulating descents, distribution and dower.

The Senate have appointed Messrs. Mitchell and Mount a committee of free conference to act with a similar committee to be appointed on the part of the House to take into consideration the disagreeing votes of the two Houses on said bill.

On motion of Mr. Owen, the House insists on disagreement on the bill named in the message No.

Mr. Bryce moved a call of the House.

And on the question, shall there be a call of the House?

And the ayes and noes being requested thereon by Messrs. Bryce and Walpole,

Those who voted in the affirmative, were

Messrs. Bryce	Jackson	Peaslee
Carleton	Jones	Perine
Crume	Judah	Walpole &
Cunningham	McCrillus	Williams of L.
Eldridge	Owen	—15.
Garrigus		

Those who voted in the negative, were

Messrs. Arnold	Howell	Proffitt
Bennet	Huston	Reeve

Berry	Kenton	Ristine
Blair	Leviston	Shook
Burns	Macy	Sims
Carr	Major	Stapp
Cotton of P.	Marshall	Thompson of A.
Cotton of S.	McClure	Vance
Cox	Miller	Vandever
Ferguson	Milroy	Watson
Graham	Monroe	Williams of W.
Gregory	Morrison	Wines of V.
Hanna	Noble	Wyman
Haymond	Noel	Zenor and
Helmer	Osborn	Mr. Speaker—48.
Henley	Pabody	

So the motion for a call was not sustained.

And on the question, will the House insist?

And the ayes and noes being requested thereon by Messrs. Judah and Jones,

Those who voted in the affirmative, were

Messrs. Arnold	Huston	Proffit
Blair,	Jackson	Reeve
Boyd	Jones	Richey
Bryce	Judah	Ristine
Carleton	Kenton	Roe
Chamberlain	Lee	Shook
Cotton of S.	Macy	Sims
Cox	Marshall,	Stapp
Crume	McClure	Tannehill,
Cunningham,	M'Crillius	Thompson of A
Eldridge	Miller	Vance
Ferguson	Milroy	Walpole
Garrigus	Monroe	Watson
Graham,	Morrison,	Whitman
Gregory	Noble	Williams of L.
Hamel	Noel	Williams of W.
Hanna	Osborn	Wilson
Haymond	Owen	Wines of V.
Henley,	Pabody	Wyman and
Hood	Peaslee,	Mr. Speaker—65.
Howell	Perine	
Hurst	Porter	

Those who voted in the negative, were

Messrs. Bennett	Cotton of P.	Leviston
Berry	Dowling,	Vandever and
Carr	Helmer	Zenor—9.

So the House insisted on its disagreement.

And on the question, shall a committee of free conference be appointed?

And the ayes and noes being requested thereon by Messrs. Judah and Walpole,

Those who voted in the affirmative were

Messrs. Arnold,	Jackson,	Proffit
Berry,	Jones	Reeve,
Boyd,	Kenton,	Richey,
Carleton,	Lane	Ristine,
Carr	Macy	Roe
Chamberlain	Major	Shook
Cox	Marshall	Sims,
Crume	McClure	Stapp
Cunningham	McCrillus,	Tannehill,
Dowling	Miller,	Thompson of A
Ferris,	Milroy,	Vance
Graham,	Monroe	Vandever,
Gregory	Morrison	Watson
Hamel,	Noble	Whitman
Hanna	Noel,	Williams of L.,
Haymond	Osborn	Williams of W.,
Henley	Owen,	Wilson,
Hood	Pabody,	Wines of V., and
Howell,	Peaslee	Wyman—60
Huston	Porter,	

Those who voted in the negative, were

Messrs. Benett	Ferguson	Lee,
Blair	Garrigus	Leviston,
Bryce,	Helmer,	Perine
Cotton of P.,	Hurst	Walpole, and
Cotton of S.,	Judah	Zenor—16
Eldridge		

So said motion prevailed, and Messrs. Owen and Proffit were appointed said committee.

A message from the Senate by Mr. Test, their Secretary.

MR. SPEAKER:

I am instructed by the Senate to inform the House of Representatives that the Senate has passed an engrossed bill of the House No. 270, entitled, an act to regulate the mode of doing county business in the several counties in this State, with an amendment.

In which the concurrence of the House is respectfully requested.

The House, on motion, concurred in the amendment of the Senate to the bill of the House No. 270, named in the message.

Ordered, That the clerk inform the Senate thereof.

A message from the Senate by Mr. Dunning, a member.

MR. SPEAKER:

I am instructed by the Senate to inform the House of Representatives, that the Senate have concurred in the report of the committee of free conference appointed to take into consideration the disagreeing votes of the two Houses upon the 3d amendment made by the House to the bill of the Senate No. 168, entitled a bill regulating the jurisdiction and duties of justices of the peace.

The bill No. 262, to prevent disasters on steamboats, was read the third time, and laid upon the table.

Mr. Walpole moved to reconsider the vote on laying on the table the bill regulating the fees of certain officers therein named.

Which motion did not prevail.

A message from the Senate by Mr. Cathcart, a member.

MR. SPEAKER:

The Senate has passed an engrossed bill thereof, No. 158, entitled an act creating the office and defining the duties of Cursitor of Michigan City.

In which the concurrence of the House of Representatives is respectfully requested.

The bill of the Senate No. 158, named in said message was twice read and laid upon the table.

A message from the Senate by Mr. Thompson of L. a member.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has receded from its amendments to the 4th amendment of the House to the engrossed bill of the Senate No. 178, entitled a bill for the protection of the canals belonging to the State, the collection of tolls thereon, and for other purposes.

Mr. Hanna from a select committee reported back to the House without amendment, the bill No. 178, to provide for the security of the State House.

And said bill was read the third time and passed.

Ordered, That the Senate be informed thereof.

The bill 303, to provide for making partial payments on canal and school lands, was read the second and third times and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Owen made the following report:

MR. SPEAKER:

The committee of free conference appointed by the two Houses to take into consideration their disagreement in regard to the Senate's amendment to a bill of the House, regulating descents, distribution and dower, have agreed to report the following as the agreed amendment of the two Houses, namely to add to the 11th section of the said act in lieu of the amendment of the Senate, the words:

Provided, That any person may by his last will and testament devise his real property to trustees for the benefit of his grand children in esse, or not in esse.

In which they ask the concurrence of the House.

Which was read and concurred in.

Ordered, That the clerk inform the Senate thereof.

On motion, the bill of the Senate No. 359, to appropriate a part of the 3 per cent. fund in Jasper county, was taken from the table and read the third time and passed.

Ordered, That the Senate be informed thereof.

Mr. Dowling made the following report:

MR. SPEAKER:

The committee of free conference appointed on the part of the Senate and House of Representatives to take into consideration the disagreement of the two Houses in regard to bill No. 317, making appropriations for the year 1838, have had the same under advisement, and have directed me to report that said committee unanimously agree that the Senate recede from its amendment.

Which was read and concurred in.

Ordered, That the clerk inform the Senate thereof.

Mr. Bryce introduced a bill No. 416, supplemental to an act to authorize an additional justice of the Peace in Brown township in Montgomery county;

Which was read three times and passed.

Ordered, That the clerk inform the Senate thereof and ask their concurrence.

A message from the Senate by Mr. Test, their Secretary.

MR. SPEAKER:

The Senate has passed an engrossed bill of the House No. 363, entitled an act to permit and authorize the State of Ohio to construct a part of the Cincinnati and White Water Canal within the territory of the State of Indiana without amendment,

A message from the Senate by Mr. Test, their Secretary.

MR. SPEAKER:

The Senate has concurred in the amendments of the committee of

free conference to the engrossed bill of the House No. 135, entitled an act regulating descents, distribution and dower.

The Senate has also concurred in the amendment made by the House to the engrossed bill of the Senate No. 111, entitled an act to make a State road through a part of Warren and Vermillion counties.

The Senate has also passed an engrossed bill of the House of Representatives No. 411, entitled an act for the relief of persons owning canal lands, without amendment.

A message from the Senate by Mr. Dunning, a member:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed an engrossed bill of the House,

No. 410, entitled an act to provide for printing and distributing the laws.

The Senate have receded from the amendment made by the Senate to the amendment of the House to a bill of the Senate No. 60, entitled an act to amend an act entitled an act to provide for distributing so much of the surplus revenue of the United States as the State of Indiana may be entitled to and receive by virtue of an act of Congress, approved 23d June, 1836, approved February 6th, 1837.

A message from the Senate by Mr. Test, their Secretary,

MR. SPEAKER:

The Senate has passed a joint resolution of the House of Representatives to wit: No. 415, a joint resolution in reference to the duties of the Secretary of State without amendment.

A message from the Senate by Mr. Dunning a member.

MR. SPEAKER:

I am instructed by the Senate to inform the House of Representatives that the Senate has passed an engrossed bill of the House No. 272, entitled an act relative to evidence, without amendment.

The Senate have receded from their amendment to the engrossed bill of the House No. 126 entitled an act to authorize an additional justice of the peace in Brown township, in Montgomery county, Indiana.

A message from the Senate by Mr. Finch, a member,

MR. SPEAKER:

I am instructed by the Senate to inform the House of Representatives, that the Senate has concurred in the report of the committee of free conference appointed to take into consideration the disagreeing votes of

the two Houses upon the amendment made by the Senate to the bill of the House No. 317, entitled an act making general appropriations for the year eighteen hundred and thirty eight.

A message from the Senate, by Mr. Test, their Secretary.

MR. SPEAKER:

I am instructed by the Senate to inform the House of Representatives that the Senate have concurred in the amendment made by the House to the amendment of the Senate to the bill of the House No. 274, entitled an act providing for a more uniform mode of doing township business in the several counties in this State.

The Senate has also passed engrossed bill and joint resolution of the House No. 409, entitled an act to locate a state road from Connersville in Fayette county to Chisler Kieders, No. 413, entitled a joint resolution for the survey of a harbour at Indiana city, each without amendment.

A message from the Senate by Mr. Dunning a member,

MR. SPEAKER:

I am instructed by the Senate to inform the House that the Senate has passed an engrossed bill of the House No. 118, entitled an act for the divorce of John Duval and Nancy Duval without amendment.

A message from the Senate by Mr. Brady a Senator.

MR. SPEAKER:

I am instructed by the Senate to inform the House of Representatives, that the Senate has passed an engrossed bill of the House No. 416, entitled an act supplemental to an act entitled an act to authorize an additional justice of the peace in Brown township, in Montgomery county, without amendment.

On motion of Mr. Haymond, the bill No. 408, to revive an act to incorporate the Harrison and Indianapolis turnpike company, was taken from the the table, and was read three times,

And on the question shall the bill pass?

And the ayes and noes being requested thereon by Messrs. Chamberlain and Herriman,

Those who voted in the affirmative, were

Messrs. Arnold
Bennett,
Berry
Blair
Boyd,
Bryce
Burns

Hanna
Haymond
Helmer
Henley
Henricks,
Hood
Howell,

Osborn
Pabody
Peaslee,
Porter,
Ristine,
Robbins
Roe,

Carleton	Kenton,	Sims
Carr,	Lane	Stapp
Cotton of P.	Macy	Vance
Cotton of S.,	Marshall	Watson,
Cox	McGrillus	Williams of L.
Dowling	Miller,	Williams of W
Eldridge,	Monroe,	Wilson
Ferguson	Morrison	Wines of V,
Garrigus,	Noble	Zenor and
Graham	Noel	Mr. Speaker—50
Gregory		

Those who voted in the negative, were

Messrs. Chamberlain,	Jackson,	Richey
Crume	Major,	Shook,
Cunningham	Milroy	Vandever and
Herriman	Perine	Whitman—12.

So said bill was lost, there not being a quorum of the House voting thereon.

On motion of Mr. Morrison the following resolution was adopted:

Resolved, That it is the understanding of this House, that no other business will be transacted by this House after its next adjournment, than to receive messages from the Governor and enrolling committee, and the necessary action thereon.

A message from the Governor by Mr. Maguire his private Secretary:

MR. SPEAKER:

His Excellency the Governor has approved and signed acts and a joint resolution, entitled as follows, viz:

No. an act to incorporate the Jeffersonville Savings Institution.

No. 136, an act regulating divorces.

No. 90, an act to incorporate the Knightstown Canal, manufacturing and Trading Company.

No. 289, an act to incorporate the Warsaw Manufacturing Company.

No. 298, an act authorizing the sale of certain lands in Dubois county.

No. 172, an act to incorporate the Wabash Hotel company.

No. 336, an act to determine the manner in which a division of the county of Green may be made.

No. 401, a joint resolution in relation to the laws.

No. 91, an act for the relief of stage passengers.

No. 138, an act regulating prisons and prison bounds.

No. 384, an act to incorporate the St. Joseph bridge company.

No. 341, an act to provide for taking depositions in certain cases therein named.

No. an act regulating descents, distribution and dower.

No. 330, an act to incorporate the Peru and Rochester turnpike company.

No. 355, an act to incorporate the town of Laporte in Laporte county. Which originated in the House of Representatives.

Mr. Graham from the joint committee on enrolled bills made the following report:

MR. SPEAKER:

The joint committee on enrolled bills report that they did this day compare the enrolled with the engrossed bills of the House, and find the same truly enrolled.

No. 345, an act giving the State of Illinois the right of way within this State to connect the northern cross rail road in Illinois with the Wabash and Erie Canal at Perrysville, Indiana.

No. 71, an act for the relief of John Carmichael.

No. 339, an act relating to tavern keepers in the county of Vermillion.

Whereupon the Speaker signed said acts.

Ordered, That the clerk carry them to the Senate for the signature of their President.

A message from the Governor by Mr. Maguire, his private secretary.

MR. SPEAKER:

The Governor has approved and signed acts and joint resolutions as follows:

No. 304, an act to legalize the sale of certain school lands in Orange county.

No. 307, an act supplemental to an act to locate a State road from Salem to Charlestown.

No. 267, an act to incorporate the Indiana manufacturing company.

No. 131. An act to provide for the improvement of the Wabash river.

No. 216, an act to revive and confirm certain State roads therein named in the county of White, Pulaski, Marshall and Carrol, and for other purposes.

No. 359, an act for the relief of John Bell.

No. 81, an act to incorporate the town of Martinsville, in Morgan county.

No. 310, a joint resolution for the relief of Burwell R. Still.

No. 84, an act to legalize the acts of the Recorder of Jackson county.

No. 372, a joint resolution of the General Assembly of the State of Indiana.

No. 313, a joint resolution for the benefit of the collector of Fountain county for the year 1837.

No. 226, an act relative to limited partnerships.

No. 85, an act to amend an act entitled an act regulating the admis-

sion and practice of attorneys and counsellors at law, approved January 31, 1824.

No. 186, an act to authorize the seizure of boats and other vessels for debt.

No. 278, an act for the suppression of professional gambling.

No. 101, an act supplementary to an act entitled an act to incorporate the Jeffersonville Insurance Company.

No. 211, an act to incorporate the Williamsport and Crawfordsville Turnpike company.

No. 238, an act to amend an act entitled, an act to incorporate the town of Jeffersonville in the county of Clark.

No. 254, an act authorizing the appointment of constables and defining their duties.

No. 363, an act to amend an act entitled an act to incorporate the Mount Carmel and New Albany Rail Road Company, approved Feb. 4, 1837.

No. 364, an act to repeal the 8th, 9th and 10th sections of an act entitled an act to incorporate the Clay county seminary trustees, approved Feb. 2, 1837.

No. 370, an act to change the name of Middletown in Washington county in Claysville.

No. 108, an act to authorize the erection of a mill dam across the Wabash river.

No. 344, an act fixing the compensation of the commissioners of the Saline lands in Orange county.

Mr. Carr made the following report:

MR. SPEAKER:

The joint committee on enrolled bills report that they have compared the enrolled with the engrossed bills of the Senate as follows:

No. 150, an act to locate a state road from the Kankakee to Laporte.

No. , an act relative to county boundaries.

No. 360, a joint resolution relative to John G. Burch of Daviess county.

No. 148, an act to locate a state road from Strawtown to Rochester.

No. 62, an act to incorporate the Mishawaka Iron and Manufacturing Company.

And find the same truly enrolled,

Whereupon the Speaker signed the same.

Ordered, That the clerk carry them to the Senate for the signature of their President.

Mr. Graham from the joint committee on enrolled bills made the following report:

MR. SPEAKER:

The joint committee on enrolled bills report that they did this day

present to His Excellency the Governor for his approval and signature the following bill of the House:

An act regulating descents, distribution and dower.

Mr. Graham from the joint committee on enrolled bills made the following report:

MR. SPEAKER:

The joint committee on enrolled bills report that they did this day compare the enrolled with the engrossed bill of the House, and find the same truly enrolled.

No. , an act regulating descents, distribution and dower.

415, a joint resolution in reference to the duties of Secretary of State.

Whereupon the Speaker signed the same.

Ordered, that the clerk carry them to the Senate for the signature of their President.

Mr. Carr made the following report.

MR. SPEAKER:

The joint committee on enrolled bills report that they have compared the enrolled with the engrossed bills of the Senate as follows:

¹ No, 168, an act regulating the jurisdiction and duties of justices of the peace.

No. 124, an act for the relief of the poor.

No. 147, an act to locate a state road therein named.

No. 368, an act supplemental to an act entitled, an act authorizing the sale of certain school lands therein named, and for other purposes, approved January 1838.

No. 364, an act to vacate part of a street on the donation near Indianapolis.

No. 313, an act for the safe keeping of prisoners committed under the authority of the United States into any of the jails of this State and for other purposes.

No. , an act for the regulation of the State Prison.

No. 33, an act providing for the recording of mortgages for personal property.

And find the same truly enrolled.

Whereupon the Speaker signed said bills.

Ordered, That the clerk carry them to the Senate for the signature of their President.

Mr. Berry from the joint committee on enrolled bills made the following report:

MR. SPEAKER:

The joint committee on enrolled bills report that they did this day

present to His Excellency, the Governor, for his approval and signature, bills and joint resolutions of the following titles, to wit:

No. 378, a joint resolution on the subject of the revision of the laws.
 392, a memorial and joint resolution on the subject of a canal from St. Marys, Ohio, to Fort Wayne, Indiana.

381, an act to incorporate the town of Lebanon in the county of Boon.
 379, an act to change a part of the state road between Charlestown and Jeffersville.

No. 145, an act regulating the action of replevin.

58, an act to amend an act entitled an act to appropriate part of the three per cent. fund in the county of Bartholomew, approved February 3d, 1837.

195, an act to provide for carrying into effect the laws in new counties.

391, an act regulating a certain state road in Clay county.

96, an act to change the name of the town of St. Joseph's Iron Works and Indian City in St. Josephs county to that of Mishawaka.

240, an act authorizing an additional justice of the peace to Scott and Coal Creek townships in Montgomery county.

352, an act to incorporate the town of Greensburg.

Mr. Carr made the following report.

MR. SPEAKER:

The joint committee on enrolled bills report that they have compared the enrolled with the engrossed bills of the Senate,

No. 183, an act so amend an act entitled an act to incorporate the Lawrenceburgh Bridge Company, approved January 24th, 1831,

No. 87, an act providing for the incorporation of towns.

No. 79, an act to authorize the board doing county business of Tippecanoe county to make a certain payment therein described.

No. 361, an act to provide for the times of holding the circuit courts in the seventh judicial circuit in the State of Indiana.

No. 100, an act locating a state road from Napoleon to a point near Elihu Galloway's.

No. 367, an act to incorporate the Trustees of the Laport University.

No. 354, an act for the special school district in Marion county.

No. 66, an act to amend an act entitled an act to provide for distributing so much of the surplus revenue of the United States as the State of Indiana may be entitled to receive by virtue of an act of Congress approved June 23, 1836.

No. 125, an act for the appointment of trustees to receive deeds for lots or lands given or purchased for the use of schools, meeting houses and masonic lodges.

And find the same truly enrolled.

Whereupon the Speaker signed said bills.

Ordered, That the clerk carry them to the Senate for the signature of their President.

Mr. Graham from the joint committee on enrolled bills made the following report.

MR. SPEAKER:

The joint committee on enrolled bills report that they did this day compare the enrolled with the engrossed bills of the House, and find the same truly enrolled, viz:

301, an act declaring Big Creek a public highway.

319, an act to legalize the proceedings of the School Commissioner of Spencer county.

142, an act to provide for the improvement of the Wabash river.

355, an act to incorporate the town of Laporte in Laporte county.

241, an act to provide for taking depositions in certain cases therein named.

172, an act to incorporate the Wabash Hotel Company.

93, a joint resolution relative to the purchase of maps.

314, an act to authorize the board doing county business in the county of Spencer to grant a license to John Meeks to retail liquors and foreign and domestic groceries.

90, an act to incorporate the Knightstown Canal Manufacturing and Trading Company.

298, an act authorizing the sale of certain land in Dubois county.

126, an act regulating divorces.

330, an act to incorporate the Peru and Rochester Turnpike Company.

284, an act to incorporate the St. Joseph Bridge Company.

Whereupon the Speaker signed the same.

Ordered, That the clerk carry them to the Senate for the signature of their President.

Mr. Carr made the following report:

MR. SPEAKER:

The committee on enrolled bills report that they have compared the enrolled with the engrossed bill of the House of Representatives,

No. 125, an act to incorporate the Jeffersonville Savings Institution.

And find the same truly enrolled.

Whereupon the Speaker signed the same.

Ordered, That the clerk carry it to the Senate for signature of their President.

Mr. Berry from the committee on enrolled bills made the following report:

MR. SPEAKER:

The committee on enrolled bills have compared the engrossed with the enrolled bills as follows, and find the same truly enrolled.

No. 35, an act relative to the Vincennes University.

No. 138, a bill regulating prisons and prison bounds.

No. 91, a bill providing for the safety of stage passengers.

No. 401, a joint resolution in relation to laws therein named.

No. 289, a bill to incorporate the Warsaw Manufacturing Company.

No. 336, an act to determine the manner in which a division of the county of Green may be made.

Whereupon the Speakes signed the same.

Ordered, That the clerk carry them to the Senate for the signature of their President.

Mr. Graham from the joint committee on enrolled bills made the following report:

MR. SPEAKER;

The joint committee on enrolled bills report that they did this day present to his Excellency, the Governor, for his approval and signature, bill and joint resolutions of the following titles, to wit;

No. 81, an act to incorporate the town of Martinsville in Morgan county.

No. 85, an act to authorize the vacation of towns.

No. 127, an act relative to fugitives from labor.

No. 307, an act supplemental to an act to vacate a state road from Salem to Charlestown.

No. 261. An act to vacate the town of Grandview, in the county of Clinton.

No. 349, an act for the formation of the 2d and 3d judicial circuits and providing for holding courts therein.

No. 337, an act to amend an act entitled an act for the relief of David Millburn and others, approved February 4, 1837.

No. 144, an act regulating distress for rent.

No. 43, an act to alter and define the boundary lines of Grant county.

No. 342, an act for the relief of the heirs of James H. Wallace.

No. 188, an act for the relief of Wirts and Reinhard of the city of Louisville, and State of Kentucky.

No. 335, an act to provide for holding a term of the circuit court in the county of Cass.

No. 331, an act to authorize the election of trustees of the county library of Dubois county.

No. 367, an act to legalize the sale of school section 16 in Porter county.

No. 182, an act to organize the county of Whitley.

No. 368, an act regulating the mode of keeping stallions and jacks.

No. 360, an act to authorize R. J. Dawson and J. Spencer to erect a mill dam across the St. Joseph river.

No. 174, an act relating to county seminaries.

No. 347, an act to legalize the sale of certain town lots therein named, and for other purposes.

No. 175, an act to authorize the loaning the college funds.

No. 372, a joint resolution of the General Assembly of the State of Indiana.

No. 342, a joint resolution relative to the State printing for 1838.

No. 321, a joint resolution on the subject of extending the grant of land for the Wabash and Erie canal.

No. 313, a joint resolution for the benefit of the collector of Fountain county, for the year 1837.

No. 310, a joint resolution for the relief of Burwell R. Still.

No. 304, an act to legalize the sale of certain school lands in Orange county.

No. 267, an act to incorporate the Indiana Manufacturing Company.

No. 370, an act to change the name of Middletown, in Washington county, to Claysville.

No. 108, an act to authorize the erection of a mill dam across the Wabash river.

No. 238, an act to amend an act entitled an act to incorporate the town of Jeffersonville, in the county of Clarke.

No. 131, an act to provide for the improvement of the Wabash river.

No. 216, an act to revive and confirm certain State roads therein named, in the county of White, Pulaski, Marshall and Carroll, and for other purposes.

No. 359, an act for the relief of John Bell.

No. 364, an act to repeal the 8th, 9th and 10th sections of an act entitled an act to incorporate the Clay county seminary trustees, approved February 2, 1837.

No. 344, an act fixing the compensation of the commissioners of the Saline lands in Orange county.

No. 363, an act to amend an act entitled an act to incorporate the Mount Carmel and New Albany rail road company, approved February 4, 1837.

No. 254, an act authorizing the appointment of constables and defining their duties.

No. 113, an act to provide for the improvement of the navigation of the Big St. Joseph river.

No. 84, an act to legalize the acts of the recorder of Jackson county.

No. 211, an act to incorporate the Crawfordsville and Williamsport turnpike company.

No. 226, an act relative to limited partnerships.

No. 101, an act supplemental to an act entitled an act to incorporate the Jeffersonville Insurance company.

No. 278, an act for the suppression of professional gambling.

No. 86, an act providing for the support of illegitimate children.

No. 186, an act to authorize the seizure of boats and other vessels for debt.

No. 356, an act to incorporate the Exchange Hotel Company.

No. 85, act to amend an act entitled an act regulating the admission and practice of attorneys and counsellors at law, approved January 31, 1824.

No. 266, an act authorizing Arthur McClure to build a bridge across Grand Calumet river.

No. 317, an act to regulate the mode of summoning and empannelling grand and petit jurors.

No. 320, act to change the name of the town of Maukport, in the county of Harrison, to that of New Market.

No. 307, an act for the incorporation of public libraries.

No. 218, an act for opening and repairing public roads and highways in the county of Gibson.

Mr. Berry from the joint committee on enrolled bills made the following report:

MR. SPEAKER:

The joint committee on enrolled bills report that they this day present to his Excellency the Governor the following bill for his approval and, signature, bills and joint resolutions, to-wit:

No. 346, an act declaring certain county roads therein named State roads.

No. 369, an act for the relief of Edward Lane,

No. 128, an act for the protection of Bridges,

No. 109 an act authorizing and regulating arbitrations,

No. 373, an act to incorporate the Armiesburgh bridge company,

No. 255, an act concerning tenants holding over,

No. 328, an act to legalize the conveyance of lot No. 1, in Princeton Gibson county, to the board of trustees of the Gibson county Seminary,

No. 353, an act for the relief of the children of James C. Lee.

No. 18, an act to amend the act for repairing and opening public roads and highways, approved February 10th, 1831,

No. 261, an act to authorize Mary Butler to convey certain real estate,

No. 175, an act directing the mode of suing out and prosecuting writs of habeas corpus,

No. 301, an act declaring Big Creek a public highway,

No. 319, an act to legalize the proceedings of the school commissioner of Spencer county,

No. 142, an act to provide for the improvement of the Wabash river,

No. 314, an act to authorize the board doing county business in the county of Spencer, to grant a license to John Meek to retail liquors and foreign and domestic groceries.

Mr. Carr made the following report,

MR. SPEAKER:

The joint committee on enrolled bills report that they have compared the enrolled with the engrossed bill of the Senate, as follows:

No. 327, an act incorporating congressional townships and providing for public schools therein.

And find the same truly enrolled,

Whereupon the Speaker signed the same.

Ordered, That the clerk carry them to the Senate for the signature of their President.

Mr. Carr made the following report,

MR. SPEAKER:

The joint committee on enrolled bills report that they have compared the enrolled with the engrossed bills of the Senate as follows:

No. 326, an act to authorize writs of ne exeat,

No. 113, an act to incorporate the Westfield Steam Mill and Manufacturing company,

No. 308, an act for the incorporation of county libraries,

No. 88, an act to regulate marriages,

No. 322, an act to incorporate the Lawrenceport Bridge Company

No. 81, an act regulating damages on protested bills of exchange,

And find the same truly enrolled.

Whereupon the Speaker signed the same.

Ordered, That the clerk carry them to the Senate for the signature of their President.

Mr. Graham from the committee on enrolled bills made the following report,

MR. SPEAKER:

The joint committee on enrolled bills report that they did this day compare the enrolled with the engrossed bill and joint resolutions of the House and find the same truly enrolled, to wit:

165, an act regulating the action of replevin,

379, an act to change a part of the state road between Charleston and Jeffersonville,

361, an act to authorize Wetmore and Toby to erect a dam on the Wabash river at the town of Murry in Wells county.

392, a memorial and joint resolution on the subject of a canal from St. Marys, Ohio to Fort Wayne, Indiana,

- 382, an act concerning public defaulters,
 195, an act to provide for carrying into effect the laws in new counties,
 383, an act for the relief of J. T. Shields and others,
 391, an act relative to a certain state road in Clay county,
 395, an act to re-locate a part of the Bloomington and Rockport state road and to establish a state road therein named,
 224, an act concerning vagrants,
 96, an act to change the name of the towns of St. Joseph Iron Works and Indiana city, in St. Joseph county to that of Mishawaka,
 378, a joint resolution on the subject of the revision of the laws,
 167, an act concerning enclosures and trespassing animals,
 240, authorizing an additional justice of the peace to Scott and Cole creek townships in Montgomery county,
 228, an act defining regulating privileges.
 58, an act to amend an act entitled an act to appropriate part of the three per cent. fund in the county of Bartholomew, approved February 3rd, 1837,
 348, an act specifically appropriating the three per cent. fund in Porter county,
 236, an act relating to the office of School Commissioner in certain counties,
 389, an act regulating the sale of school lands in Parke county,
 352, an act to incorporate the town of Greensborough.
 188, an act against forcible entry and detainer.
 381, an act to incorporate the town of Lebanon in the county of Brown.
 76, an act to amend an act entitled an act for a general system of Internal Improvement, approved Jan. 27, 1836.
 146, an act to prevent gaming.
 402, an act regulating the courts in the first and sixth judicial circuit.
 134, an act to incorporate the town of Indianapolis in Marion county.
 295, an act to incorporate the Calumet Bridge Company.
 375, an act to amend an act entitled an act to incorporate the town of Greensborough in Decatur county.
 209, an act to incorporate the city of Logansport.
 302, an act to change the name of a town.
 276, an act incorporating the Mayor and Common Council of the town of Delphi.
 213, an act to incorporate the Richmond and Brookville Canal Company.
 Whereupon the Speaker signed the same.
 Ordered, That the clerk carry them to the Senate for the signature of their President.
 Mr. Whitman from the joint committee on enrolled bills made the following report:

MR. SPEAKER:

The joint committee on enrolled bills have compared the enrolled with the engrossed bills of the following numbers and titles, to wit:

No. 310, an act to incorporate the town of Terre Haute.

No. 94, an act to provide for electing county and township officers.

No. 324, an act for giving to mechanics a lien upon buildings.

No. 314, an act organizing the Supreme Court and defining its powers and duties.

No. 322, a bill defining the duties of recorders.

No. 126, an act concerning debtors and their securities.

No. 123, an act to provide for the inspection of salt, beef, flour, pork and tobacco.

No. 323, an act to regulate the trials of the right of property.

No. 325, an act subjecting certain articles to sale for repairs after a certain period.

No. 170, an act concerning the State Library.

No. 98, an act to regulate general elections.

All of which are truly enrolled.

Whereupon the Speaker signed the same.

Ordered, That the clerk carry them to the Senate for the signature of their President.

Mr. Graham from the joint committee on enrolled bills made the following report:

MR. SPEAKER:

The joint committee on enrolled bills report that they did this day present to his Excellency, the Governor, for his approval and signature, bills entitled,

375, an act to amend an act entitled an act to incorporate the town of Greensburgh, Decatur county, approved Feb. 4, 1837.

167, an act concerning enclosures and trespassing animals.

76, an act to amend an act entitled an act to provide for a general system of Internal Improvement, approved January 27, 1836.

383, an act for the relief of J. T. Shields and others.

295, an act to incorporate the Calumet Bridge Company.

348, an act specifically appropriating the three per cent fund in Porter county.

276, an act incorporating the Mayor and Common Council of the town of Delphi.

228, an act defining and regulating privileges.

395, an act to relocate a part of the Bloomington and Rockport State road, and to establish a state road therein named.

382, an act concerning public defaulters.

236, an act relating to the office of school commissioners in certain counties.

134, an act to incorporate the town of Indianapolis in Marion county

146, an act to prevent gaming.

- 224, an act concerning vagrants.
 200, an act to incorporate the city of Logansport.
 402, an act regulating the courts in the first and sixth judicial circuits.
 302, an act to change the name of a town.
 203, an act to incorporate the Richmond and Brookville Canal Company.
 90, an act to incorporate the Knightstown Canal Manufacturing and Trading Company.
 289, an act to incorporate the Warsaw Manufacturing Company.
 91, an act for the relief of stage passengers.
 136, an act regulating divorces.
 284, an act to incorporate the St. Josephs Bridge Company.
 336, an act to determine the manner in which a division of the county of Greene may be made.
 88, an act to regulate marriages.
 138, an act relating to prisoners and prisons.
 298, an act authorizing the sale of certain land in Dubois county.
 308, an act for the incorporation of county libraries.
 172, an act to incorporate the Wabash Hotel Company.
 An act to incorporate the Jeffersonville Saving Institution.
 326, an act to authorize writs of ne exeat.
 No. 9, an act to legalize the election of seminary trustees in Hancock county.
 No. 361, an act authorizing Wetmore & Toby to erect a dam on the Wabash river at the town of Murray, in Wells county.
 No. 188, an act against forcible entry and detainer,
 No. 389, an act legalizing the sale of school lands in Park county,
 No. 332, an act to incorporate the Lawrenceport bridge company,
 No. 113, an act to incorporate the Westfield steam mill and manufacturing company,
 No. 330, an act to incorporate the Peru and Rochester turnpike company,
 No. 241, an act to provide for taking depositions in certain cases therein named,
 No. 401, a joint resolution in relation to the laws,
 No. 81, an act regulating damages on protested bills of exchange.
 No. 355, an act to incorporate the town of Laporte, in Laporte county.
 A message from the Governor by Mr. Maguire, his private secretary:

MR. SPEAKER;

His Excellency the Governor has approved and signed acts and joint resolutions entitled as follows:

- No. 144, an act regulating distress for rent.
 No. 337, an act to amend an act entitled an act for the relief of David Milburn and others, approved February 4, 1837.

No. 218, an act for opening and repairing public roads and highways in the county of Gibson.

No. 264, an act to authorize Mary Butler to convey certain real estate,

No. 328, an act to legalize the conveyance of lot No. 1 in Princeton. Gibson county, to the board of justices of the Gibson county seminary.

No. 368, an act regulating the mode of keeping stallions and jacks.

No. 182, an act to organize the county of Whitley.

No. 353, an act for the relief of the children of James C. Lee.

No. 113, an act to provide for the improvement of the navigation of the Big St. Joseph river.

No. 255, an act concerning tenants holding over.

No. 261, an act to vacate the town of Grandview in Clinton county.

No. 266, an act authorizing Arthur McClure to build a bridge across the Grand Calumet river.

No. 356, an act to incorporate the Exchange Hotel Company.

No. 293, a joint resolution relative to the purchase of maps.

No. 367, an act to legalize the sale of school section 16 in Porter county.

No. 331, an act to authorize the election of trustees of the county library of Dubois county.

No. 175, an act directing the mode of suing out and prosecuting writs of habeas corpus.

No. 18, an act to amend an act for repairing and opening public roads and highways, approved February 10, 1831,

No. 369, an act for the relief of Edward Lone.

No. 319, an act to legalize the acts of the school commissioners of Spencer county,

No. 342, an act for the relief of the heirs of James H. Wallace,

No. 301, an act declaring Big creek in Posey county a public highway,

No. 142, an act providing for the improvement of the Wabash river,

No. 314, an act to authorize the board doing county business in the county of Spencer, to grant a license to John Meeks to retail liquors and vend foreign and domestic groceries,

No. 360, an act to authorize R. J. Dawson and J. Spencer to erect a mill dam across the St. Joseph river,

No. 373, an act to incorporate the Armiesburg bridge company,

No. 392, a memorial and joint resolution on the subject of a canal from St. Mary's, Ohio, to Fort Wayne, Indiana,

No. 76, an act to amend an act entitled an act for a general system of internal improvement, approved January 27, 1836,

No. 96, an act to change the names of the town of St. Joseph Iron Works and Indiana city, in St. Joseph county, to that of Mishawaka.

No. 378, a joint resolution on the subject of the revision of the laws,

No. 381, an act to incorporate the town of Lebanon, in the county of Boon.

No. 391, an act relative to a certain State road in Clay county,

No. 195, an act to provide for carrying into effect the laws in new counties,

No. 379, an act to change a part of the State road between Charles-town and Jeffersonville.

No. 145, an act regulating the action of replevin.

No. 375, an act to amend an act entitled an act to incorporate the town of Greensburgh, in Decatur county, approved February 4, 1837,

No. 276, an act incorporating the mayor and common council of the town of Delphi,

No. 58, an act to amend an act entitled an act to appropriate part of the three per cent. fund in the county of Bartholomew, approved February 3, 1837,

No. 167, an act concerning enclosures and trespassing animals,

No. 348, an act specifically appropriating the three per cent. fund in Porter county,

No. 383, an act for the relief of J. T. Shields and others,

No. 295, an act to incorporate the Calumet Bridge Company,

No. 35, an act relative to the Vincennes University,

No. 200, an act to incorporate the city of Logansport,

No. 240, an act authorizing an additional justice of the peace to Scott and Coal Creek townships, in Montgomery county,

No. 188, an act against forcible entry and detainer,

No. 203, an act to incorporate the Richmond and Brookville canal company,

No. 389, an act legalizing the sale of school lands in Parke county,

Nv. 252, an act to incorporate the town of Greensboro,

No. 361, an act to authorize Wetman and Toby to erect a dam on the Wabash river, at the town of Murray in Wells county,

No. 9, an act to legalize the election of seminary trustees in Hancock county,

No. 302, an act to change the name of a town,

No. 146, an act to prevent gaming,

No. 402, an act regulating the courts in the 1st and 6th judicial circuits,

No. 382, an act concerning public defaulters.

No. 236, an act relating to the office of school commissioner,

No. 228, an act defining and regulating privileges,

No. 224, an act concerning vagrants,

No. 134, an act to incorporate the town of Indianapolis,

All of which originated in the House of Representatives.

And then the House adjourned until Monday morning 6 o'clock.

MONDAY MORNING, 6 o'clock, Feb, 19, 1838.

The House met pursuant to adjournment.

Mr. Osborn from the committee on enrolled bills made the following report:

MR. SPEAKER:

The committee on enrolled bills report that they have compared the enrolled with the engrossed bills of the House, and find the same truly enrolled, entitled as follows, to wit.

No. 386, an act to change the lease of a part of the University square in the town of Indianapolis,

199, an act to legalize the election of trustees of the Presbyterian church of Sand creek, Decatur county,

17, an act declaring a misprint,

279, an act to incorporate the Michigan and Indiana rail road company,

102, an act establishing temporarily a court house in the county of Lake, and for other purposes.

208, an act to amend an act entitled an act to incorporate the president and trustees of the Rush county Seminary,

286, an act to amend the act concerning the seminary township of land in Gibson and Monroe counties, approved January 27, 1827, approved February 8, 1834,

3, an act to amend the act incorporating the Aurora and Napoleon turnpike company, and to legalize the proceedings of the board of directors of said company,

232, an act to amend an act entitled an act authorizing Richard M. Kirk to raise his mill dam three feet higher, approved February 3, 1837.

397, an act for the relief of Willis G. Atherton and others,

248, an act to change the name of a certain town therein named,

201, an act to re-locate a part of a State road in Monroe county,

202, an act to vacate the town of Newbury, in Green county,

222, an act to provide for the draining of the low land around Centre lake, in Stuben county,

78, an act granting certain power and privileges to the grantee therein named,

98, an act to amend an act entitled an act for the formation of the county of Brown, approved February 4, 1836,

400, an act fixing the time of holding courts in the fourth judicial circuit.

An act establishing certain state roads therein named and for other purposes,

318, an act making specific appropriations for the year 1838,

376, an act to incorporate the Union Rail Road Company,

118, an act for the divorce of John Duval and Nancy Duval,

416, an act supplemental to an act entitled an act to authorize an additional justice of the peace in Brown township, Montgomery county, Indiana,

307, an act making general appropriations for the year 1838,

274, an act providing for a more uniform mode of doing township business in the several counties therein named,

409, an act to locate a state road from Connersville in Fayette county to Chrisler Kenders,

413, a joint resolution for the survey of a Harbour at Michigan city,

137, an act regulating the taking up of animals going astray and water craft and other articles of value adrift,

An act appropriating an estate of escheat for a free school in the town of Jeffersonville,

An act authorizing an exchange of ground,

112, an act locating the county seat of Lake county,

55, an act declaring Sugar Creek in Parke county a public highway,

47, an act relating to the collection of the state and county revenue in the county of Lake,

407, an act supplemental to the act entitled an act to incorporate the town of Paoli in Orange county, approved February 15, 1838,

51, an act granting an additional time for the collection of State and county revenue for Porter county,

340, an act granting certain water privileges to the town of Evansville

347, an act repealing all laws and parts of laws now in force granting premiums for wolf scalps,

37, an act to amend the sixteenth section of an act relating to state Roads, approved February 6th, 1837,

An act to authorize an additional justice of the peace in Brown township, in Montgomery county, Indiana,

338, an act to relocate a state road in Vigo county,

260, an act on the subject of leasing Water Power at the Delphi Dam,

An act to incorporate the town of Raysville,

272, an act relative to evidence,

48, an act to repeal an act entitled an act relative to the jurisdiction and duties of justices of the peace in Clay county,

198, an act for the relief of the minor heirs of Michael G. Snyder,

217, an act to locate a state road therein named,

410, an act to provide for the printing and distributing the laws,

270, an act to regulate the mode of doing county business in the several counties in this State,

89, an act to organize Jasper county and for other purposes,

And find the same truly enrolled,

Mr. Osborn from the joint committee on enrolled bills made the following report, to-wit:

MR. SPEAKER:

The joint committee on enrolled bills report that they did on the 17th instant present to His Excellency the Governor for his approval and signature bills of the House of Representatives of the following titles, to-wit:

No. 336, an act to change the lease of a part of the University Square in the town of Indianapolis,

199, an act to legalize the election of trustees of the Presbyterian Church of Sand Creek Decatur county.

17, an act declaring a misprint,

297, an act to incorporate the Michigan and rail road company,

102, an act establishing temporarily a Court House in the county of Lake, and for other purposes,

208, an act to amend an act entitled an act to incorporate the president and trustees of the Rush County Seminary,

286, an act to amend an act concerning the seminary township of land in Gibson and Monroe counties, approved February 8th, 1834,

3, an act to amend the act incorporating the Aurora and Napoleon Turnpike Company, and to legalize the proceedings of the Board of Directors of said company,

232, an act to amend an act entitled an act authorizing Richard M. Kirk to raise his mill-dam three feet higher, approved February 3rd, 1837,

397, an act for the relief of Willit G Atherton and others,

248, an act to change the name of a certain town therein named,

201, an act to relocate a part of a state road in Monroe county,

202, an act to vacate the town of Newberry, in Green county,

222, an act to provide for the draining of the low land around Center Lake in Steuben county,

78, an act granting certain power and privileges to the grantee therein named,

98, an act to amend an act entitled an act for the formation of the county of Brown, approved February 4th, 1836,

400, an act fixing the time of holding courts in the fourth judicial circuit,

An act establishing certain state roads therein named and for other purposes,

318, an act making specific appropriations for the year 1838,

376, an act to incorporate the Union Rail Road Company,

118, an act for the the divorce of John Duvall and Nancy Duval,

416, an act supplemental to an act entitled an act to authorize an additional justice of the peace in Brown township, in Montgomery county, Indiana.

317, an act making general appropriations for the year 1838.

274, an act providing for a more uniform mode of doing township business in the several counties therein named.

409, an act to locate a state road from Connersville in Fayette county to Chissler Kinders.

413, a joint resolution for the survey of a harbor at Michigan City.

137, an act regulating the taking up of animals going astray and water craft and other articles of value adrift.

An act appropriating an estate of escheat for a free school in the town of Jeffersonville,

An act authorizing an exchange of ground, &c.

112, an act locating the county seat of Lake county.

55, an act declaring Sugar Creek in Parke county a public highway.

47, an act relating to the collection of the state and county revenue of the county of Lake.

407, an act supplemental to the act entitled an act to incorporate the town of Paoli in Orange county, approved Feb. 15, 1838.

340, an act granting certain water privileges to the town of Evansville.

347, an act repealing all laws and parts of laws in force granting premiums for wolf scalps.

37, an act to amend the 16th section of an act relating to state roads, approved February 6, 1837.

An act to authorize an additional justice of the Peace in Brown township in Montgomery county, Indiana.

338, an act to locate a state road in Vigo county,

260, an act on the subject of leasing water power at the Delphi dam,

An act to incorporate the town of Raysville,

272, an act relative to evidence,

48, an act to repeal an act entitled an act relative to the justices of the peace in Clay county,

198, an act for the relief of the minor heirs of Michael C. Snyder.

217, an act to locate a state road therein named,

410, an act to provide for the printing and distributing the laws,

51, an act granting an additional time for the collection of the state and county revenue for Porter county,

89, an act to organize Jasper county and for other purposes,

270, an act to regulate the mode of doing county business in the several counties in this State.

Mr. Carr made the following report:

MR. SPEAKER:

The joint committee on enrolled bills report that they have compared the enrolled with the engrossed bills of the Senate as follows:

300, an act attaching Canal Port to the town of Petersburg in Pike county for corporation purposes,

38, an act for establishing a state road from Landing Ferry to intersect the Patriot and Versailles Road,

190 An act to authorize the election of a justice of the peace in Yorktown.

301, an act to provide for the election of a justice of the peace in the town of Middletown in Shelby county,

336, an act to provide for the salary of William Polke, late commissioner of the Michigan road,

52, an act to regulate the summoning of jurors in the 6th judicial circuit,

166, an act to locate a state road therein named,

61, an act to authorize the relocation of a state road in Gibson county,

115, an act to authorize Elijah Long and his wife to sell certain real estate therein named,

119, an act for the formation of Union school district,

356, an act to change the mode of doing county business in the county of Scott,

60, an act to amend an act entitled an act to provide for distributing so much of the surplus revenue of the United States as the State of Indiana may be entitled to, and receive by virtue of an act of Congress, approved 23d June, 1836, approved Feb. 6, 1837,

303, an act to provide for making partial payments on canal and school lands.

111, an act to make a state road through a part of Warren and Vermillion counties,

178, an act to provide for the security of the state house.

350, an act to appropriate a part of the three per cent fund in Jasper county.

306, an act to organize probate courts and define the powers and duties of executors, administrators and guardians.

187, an act for the protection of the canals belonging to the state, the collection of tolls thereon and for other purposes.

And find the same truly enrolled.

Mr. Carr made the following report:

MR. SPEAKER:

The joint committee on enrolled bills report that they did this day present to His Excellency, the Governor, for his approval and signature, bills which originated in the Senate of the following titles, to wit:

No. 33 an act providing for the recording of mortgages for personal property.

No. 313, an act for the safe keeping of prisoners committed under the authority of the United States into any of the jails of this State and for other purposes.

No. 368, an act supplemental to an act entitled, an act authorizing the sale of certain school lands therein named, and for other purposes, approved January 1838.

No. , an act for the regulation of the State Prison.

No. 147, an act to locate a state road therein named.

No. 364, an act to vacate part of a street on the donation near Indianapolis.

No. 124, an act for the relief of the poor.

327, an act incorporating congressional townships and providing for public schools therein.

No. 66, an act to amend an act entitled an act to provide for distributing so much of the surplus revenue of the United States as the State of Indiana may be entitled to receive by virtue of an act of Congress approved June 23, 1836.

303, an act to provide for making partial payments on canal and school lands.

111, entitled an act to make a State road through a part of Warren and Vermillion counties.

178, an act to provide for the security of the state House.

350, an act to appropriate a part of the three per cent. fund in Jasper county.

306, an act to organize probate courts and defining the powers and duties of executors, administrators and guardians.

300, an act attaching Canal Port to the town of Petersburg in Pike county for corporation purposes.

38, an act for establishing a state road from Landing Ferry to intersect the Patriot and Versailles Road.

190, an act to authorize the election of a justice of the peace in Yorksown.

301, an act to provide for the election of a justice of the peace in the town of Middletown in Shelby county.

336, an act to provide for the salary of William Polke, late commissioner of the Michigan road.

52, an act to regulate the summoning of jurors in the 6th judicial circuit.

166, an act to locate a state road therein named.

61, an act to authorize the relocation of a state road in Gibson county.

115, an act to authorize Elijah Long and his wife to sell certain real estate therein named.

119, an act for the formation of Union school district.

356, an act to change the mode of doing county business in the county of Scott.

187, an act for the protection of the canals belonging to the state, the collection of tolls thereon, and for other purposes.

A message from the Governor by Mr. Maguire, his private Secretary:

MR. SPEAKER:

I am requested by His Excellency the Governor to inform the House of Representatives that he has approved and signed,

No. 411, an act for the relief of persons owning Canal Lands,

No. 362, an act to permit and authorize the State of Ohio to construct a part of the Cincinnati and White Water Canal, within the State of Indiana,

No. 345, an act giving the State of Illinois, the right of way within this State to connect the Northern Cross Rail Road in Illinois with the Wabash and Erie Canal at Perrysville Indiana,

No. 71, an act for the relief of John Carmichael,

No. 415, a joint resolution in reference to the duties of Secretary of State;

No. 339, an act relating to taverns and tavern keepers in the county of Vermillion,

No. 89, an act to organize Jasper county and for other purposes,

No. 376, an act to incorporate the Union Rail Road Company,

No. an act to establish certain state roads therein named,

No. an act to incorporate the town of Raysville,

No. 279, an act to incorporate the Michigan and Indiana Rail Road Company,

No. 199, an act to legalize the election of trustees of the Presbyterian Church of Sand Creek Church, Decatur county,

No. 386, an act to change the lease of a part of the University Square in the town of Indianapolis,

No. 202, an act to vacate the town of Newberry in Greene county,

No. 222, an act to provide for draining the low lands around Centre Lake in Steuben county,

201, an act to relocate a part of a State road in Monroe county,

No. 47, an act relating to the collection of the State and county revenue in the county of Lake;

No. 347, an act repealing all laws and parts of laws now in force granting premiums for wolf scalps,

No. 260, an act on the subject of leasing water power at the Delphi Dam,

No. 78, an act granting certain powers and privileges to the grantee therein named;

No. 118, an act for the divorce of John Duvall and Nancy Duvall,

No. 208, an act to amend an act entitled an act to incorporate the President and Trustees of the Rush County Seminary,

No. 248, an act to change the name of a certain town therein named,

No. 232, an act to amend an act entitled an act authorizing Richard M. Kirk to raise his mill dam three feet higher, approved February 3, 1837,

No. 332, an act authorizing an exchange of ground,

No. 413, a joint resolution for the survey of a harbour at Indiana city.

No. 274, an act providing for a more uniform mode of doing county business,

No. 407, an act supplemental to the act entitled an act to incorporate the town of Paoli in Orange county,

No. 98, an act to amend an act entitled an act for the formation of the county of Brown, approved February 4, 1836,

No. 48, an act entitled an act relative to the jurisdiction and duties of justices of the peace in Clay county,

No. 272, an act relative to evidence,

No. 397, an act for the relief of Willis G. Artherton and others,

No. 317, an act making general appropriations for the year eighteen hundred and thirty eight,

No. an act making specific appropriations for the year eighteen hundred and thirty eight,

No. an act to authorize an additional justice of the peace in Brown township, in Montgomery county, Indiana,

No. 3, an act to amend the act incorporating the Union and Napoleon Turnpike Company, and to legalize the proceedings of the board of directors of said company,

No. 137, an act regulating the taking up of animals going astray and water craft and other articles of value adrift,

No. 37, an act to amend the 16th section of an act relating to State roads, approved February 6, 1837,

No. 102, an act establishing temporarily a court house in the county of Lake and for other purposes,

No. 51, an act granting additional time for the collection of State and county revenue for Porter county.

No. 400, an act fixing the terms in the 4th judicial circuit,

No. 17, an act declaring a misprint,

No. 112, an act locating the county seat of Lake county,

No. 286, an act to amend an act entitled an act to amend an act concerning the Seminary townships of land in Gibson and Monroe counties, approved January 27, 1827, approved February 8, 1834,

No. 416, an act supplemental to an act entitled an act to authorize an additional justice of the peace in Brown township, in Montgomery county,

No. 340, an act granting certain water privileges to the town of Evansville,

No. 270, an act to regulate the mode of doing county business in the several counties in this state,

No. 198, an act for the relief of the minor heirs of Michael C. Snyder,

No. 410, an act to provide for printing and distributing the laws,

No. 55, an act declaring Sugar Creek in Parke county a public highway,

No. 217, an act to locate a state road therein named,

No. 338, an act to locate a state road in Vigo county,

No. an act appropriating an estate of an escheat for a free school in the town of Jeffersonville,

No. 409, an act to locate a state road from Connersville in Fayette county to Christer Kinder's.

No. 187, an act in relation to proceedings upon writs of *mandamus* and information in the nature of *quo warranto*,

No. 211, an act to legalize the acts of the trustees of the town of Putnamville in Putnam county,

All which originated in the House of Representatives.

On motion of Mr. Dowling,

Resolved, That a committee of two be appointed on the part of this House, to act with a similar committee on the part of the Senate to wait upon the Governor, and inform him that both Houses of the General Assembly have completed their Legislative business, and are now ready to adjourn *sine die*, if he has no further communication to make them,

Resolved, That the Senate be informed of the passage of the resolution and a similar one on their part requested.

Messrs. Dowling and Porter were appointed said committee.

A message from the Senate by Mr. Martin, assistant Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have adopted the following resolution:

Resolved, That a committee of two be appointed on the part of the Senate to act with a similar committee on the part of the House to wait on the Governor, and inform him that both Houses of the General Assembly have completed their legislative business, and are now ready to adjourn *sine die*, if he has no further communication to make to them.

Resolved, That that the House of Representatives be informed of the adoption of this resolution and a similar committee on their part requested.

Mr. Dowling made the following report:

The committee appointed to wait on the Governor of this State and inform him that both Houses of the General Assembly have gone through with the legislative business of the present session, have performed that duty, and have been informed by him that he has no further communications to make.

On motion of Mr. Gregory,

Resolved, That the Senate be informed that the House of Representatives have gone through their business of the present session and are now ready to adjourn sine die.

A message from the Senate by Mr. Finch, a member:

MR. SPEAKER:

I am instructed by the Senate to inform the House of Representatives that the Senate has gone through with the business before it, and is now ready to adjourn sine die.

Mr. Bennett then moved that this House adjourn sine die.

Whereupon, the Speaker arose and delivered the following valedictory address:

Gentlemen of the House of Representatives:

That long wished for hour has at length arrived when we are about to separate and once more mingle in the society of our friends and repose in the bosom of our families. The station, which through your kindness, I have been honored with occupying and the manner in which I have been sustained in the discharge of its arduous duties, cannot be closed without a heartfelt expression of the many obligations I am under to you, and an assurance that neither time nor change can ever blot from the tablets of this heart, the scenes which have transpired since we came together.

We assembled as the representatives of the people of a young but rapidly increasing State—a State, even at this time, occupying a proud station in this great confederacy, and advancing with a gigantic stride to the full enjoyment of all which on earth can be happy and honorable, and exciting as our deliberations have been, we have reason to hope that an enlightened people will properly appreciate the importance of the service we have rendered them. Never did the legislature of any State convene with a greater burthen resting upon it, than did the one which is now closed; and that this burthen has been borne in a manner calculated to produce much good, none can doubt, when viewing with an impartial eye the result of our deliberations.

In the general pressure, which has, for a time, pervaded not only this continent, but Europe, our banks, wisely chartered, and in most instances honorably conducted, had, in self defence, been compelled to close their vaults, and suspend specie payment. Multifarious as have been our

opinions, with regard to the course best to be pursued, in reference to that subject, and exciting as have been the discussions upon it, the storms we have witnessed will only tend to purify public opinion, and, indeed have so far purified it, in this legislature, as to enable us to come together upon a ground that will sustain the banks and better the condition of the people.

Our system of Internal Improvement, calculated, if properly managed, not only to enrich our people at home, but to attract the eyes of all to an admiration of our enterprize; but, if badly managed, must become burthensome to our people and a dishonor to our state, has not suffered, but on the contrary, been much benefitted by our deliberations. The discussions, generally animated, sometimes exciting, which we have heard upon that subject, I trust, have convinced all, that our differences of opinion are not differences of principle—that none would be willing to unnerve the arm of enterprize, and float upon the stream of inactivity, which is “curled by no breeze and enlivened by no murmur”—that all are willing our march to fortune and to fame should be yet onward, sedulously guarding every avenue which may be opened for the admission of principles calculated to obstruct our career, before we reach that goal, where every eye is now so fondly and anxiously directed. Industry should mark our course, and economy should be our watchword, and by them, we may hope to live to see the north, the south, the east, and the west bound together in the bonds of a common interest, and an annihilation of that which was so much feared by the father of his country, sectional interests and sectional strife.

The character of our revision of the laws will be judged of by the people, when it goes among them, and we have reason to hope for a favorable judgment, when we reflect, that much labor for a laudable purpose rarely fails to produce much good.

At this moment of separation, a moment between the recollection of past scenes, and the anticipation of future enjoyment just at hand, the gloom which pervades every face tells to all the feelings of the heart. The anticipated joy of domestic scenes, around our own firesides, is not sufficient to relieve the pain of separation. Each individual is now propounding to himself, this question: “When shall we all meet again?” and each is constrained to furnish the painful response—*never!* How often will memory linger about these walls, sometimes the scene of rivalryship, again the scene of joy, then of disappointment and excitement, and would fain, if the power had been given, roll the wheels of time back to hours now gone and numbered with all thing that were. How wisely has the God of Nature blended the bitter and the sweet. He has given us, to be sure, the disposition to magnify the evils of the present moment; but for that we are compensated by a disposition to magnify the pleasures of the past. We forget the pain and excitement, the toil and strife, we have been doomed to feel and undergo, and dwell with delight on the bright spots of our existence with the fondness of a mother for her first born.

For myself, gentlemen, I can freely say, that whatever may have transpired to call forth the feelings incident to our imperfect nature,

with me, the veil of oblivion shall cover all things save those it would be a virtue to remember and impious to forget.

I trust I shall be credited when I assure you collectively and individually, that towards you I entertain the kindest of all feelings, and hope you may meet with a happy reception on your return to your families, and the plaudit well done, from your constituents; and finally, that you may all be blest with a long, happy, prosperous and useful life.

I bid you all an affectionate and some of you, no doubt, nay, perhaps all of you, a final farewell.

I now pronounce this House adjourned *sine die*.

And then the House adjourned *sine die*.

Attest:

J. T. ELLIOTT,
Principal Clerk H. R.

COMMUNICATIONS OF DR. COE

TO THE

STATE BANK OF INDIANA

AS THE

AGENT OF THE BANK IN THE NEW YORK CONVENTION,

Referred to in the communication of S. Merrill, President of the Bank
of the 1st January, 1838.

NEW YORK, November 29, 1837.

JAMES M. RAY, Esq.

Cashier State Bank of Indiana:

DEAR SIR:—

As I presume you will be interested in our Bank Convention debates and proceedings, I will give you a little sketch of business to day. Committee met at 10, sat until 12; convention from 12 to 2; committee from 2 to half past 3.

The Convention read and amended their minutes of yesterday, after which, as one of the rules prescribes closed doors, a resolution was offered so to amend the rules as to admit the reporters for the papers; the vote on the rules was a close one, and it was thought would have been reversed, after organization, by the vote by States, and this question was pretty freely debated, particularly by a youngerly, pretty eloquent gentleman, in so long a speech as to convince all but two States, that if we admitted reporters we should not want speeches made to be reported, when the resolution was laid on the table, 16, I think, to 2.

On the meeting of the committee, Mr. Gallatin submitted a resolution that it be recommended to the several banks to resume specie payments on the day of next , which he supported by shewing the necessity under which the banks of New York are to do it by the 10th of May, a general law of the State providing that where any incorporated body shall suspend payment for one year, all its corporate powers shall cease.

Mr. Brackenborough stated that a similar forfeiture awaited the banks of Virginia the 1st March.

Mr. Eyre, delegate from Philadelphia and director of the United States Bank, offered as a substitute, a resolution to appoint a committee to fix the time; in support of which he proceeded to show the difficulties of the former resumption, notwithstanding the united exertions of the Government, the United States Bank and the State Banks, and that at one time they came very near again suspending, although at that time exchange was 7 per cent. below par, and the U. S. Bank itself imported seven million dollars for that purpose; that if a day was named when specie would be paid, the British manufacturer, whose goods are low and accumulated in large quantities, would, in anticipation, flood the country, and sweep out the specie; that Spanish dollars now commanded 16 per cent. premium in China, and that 20 vessels in the United States were preparing between this and spring to sail for China, and would only carry out specie for purchases; that were the New York banks to resume, they could not stand it three months; and that to resume under present circumstances, he believed would break every bank in the country.

He also mentioned that the States from which our remittances were to come to settle our European debt, were not represented; that the south west and west owed Philadelphia \$20,000,000; that we owe England at least \$20,000,000, of which the bank of England holds seven millions against individuals, and that \$10,000,000 worth of bread stuffs are expected to be imported this year from Europe.

Mr. Gallatin considered both the debt to England and the importation of bread stuffs overrated, thought we might resume at any time; stated that New York state had lately sold the bank \$2,200,000 of her 5 per cent. stock at par, on a credit of 1, 2, 3 and 4 years, on condition they should use it to procure specie, and that the assistance of the State in that way could be had to any amount by the banks.

The debate was chiefly between Mr. Eyre and Mr. Gallatin, both men of strong minds, clear heads and a fund of information; in the latter article I think the gentleman from Philadelphia had the advantage. He is a man of commanding appearance, cool, collected and firm, although on his first address he became considerably affected his voice faltered and he came near shedding tears.

He stated that if the other banks undertook to resume before the country was ready, those of Philadelphia would resist; that they were united and looked to the interest of the whole country, and would not, to accommodate one State, resume until the whole country was ready; he stated the necessity of statistical information respecting the situation of the banks of the several States, to enable the committee to judge of the propriety of fixing a day, or to enable them to recommend measures. The delegate from Boston proposed an adjournment for three months, to enable the members to procure it. I hoped they came here prepared to do it now. Several members said they were prepared, and the delegates from Maine, Connecticut, North Carolina, Georgia and Kentucky, gave very favorable general accounts of the situation of the banks of their respective States. When about to adjourn I hoped the members would,

by to-morrow, be able to give more definite information as to the present means of payment. Before the meeting was adjourned, Mr. Pope of Kentucky, Mr. Armstrong of Ohio, and myself had a conference, and our views agreed to fix a time, about the 1st of July, if on the situation of the banks and the country we declared we did not see reason to alter these views—it is probable these three States will act together.

In giving the views of the members from New York and Philadelphia, I have not followed the order exactly in which they were given, but only stated the substance of several addresses from each.

Mr. Gallatin stated the debt of England at \$8,800,000, excluding that due from the United States Bank for bonds. Mr. _____ replied he must be mistaken, as the Bank of England itself held \$7,000,600 against individuals. The delegate from Boston rated the debt at \$30,000,000, of which he supposed \$10,000,000 might be suspended debts. The gentleman from Philadelphia gave the New York committee a thrust or two for their course, and Mr. Gallatin made a pass or two at the U. S. Bank, but on the whole the argument was conducted with much decorum and gentlemanly forbearance and good feeling.

I. COE.

NEW YORK, November 30, 1838.

JAMES M. RAY, Esq.

Cashier State Bank of Indiana:

DEAR SIR:—

The committee met this morning at 10; the delegate from New Hampshire made a written statement of the situation of their banks, concluding with an argument in favor of not naming a day unless the Boston banks could state their preparations to meet that day as nearly all the banks in New England have their paper taken up at the Suffolk bank Boston. He stated that by calling in 18 per cent. of their discount they could pay every liability. The delegate from Connecticut stated the ability of their banks to resume, and that he was instructed this morning by their delegation so to vote.

Mr. Gallatin mentioned that on the 1st July the Agricultural Bank of Natchez owed upwards of \$3,000,000, and had \$68,000 in specie and bank balances were against them; the Planters' Bank a little better off; and the committee had received letters from Tennessee that they could resume the 1st July, but not before.

A letter was read from three Presidents of banks in New Orleans, stating that the city banks declined sending a delegation, but giving it as their opinion that the banks of New Orleans could resume as soon as any

others. And I gave a summary of the situation of our banks, which excited much surprise and attention, and the observations I made were very attentively attended to, and seemed to be received with much interest, and the situation of our bank was admitted to be the best in the Union, and copies of my statement were taken by Mr. Eyre and others; a million of dollars in the woods of Indiana seemed very wonderful. No statistical information was given of the banks of Boston, New York, Philadelphia, Baltimore or Charleston, and for want of this information, as I stated to the committee, I asked to be excused from voting on the three following motions.

1st. To postpone Mr. Gallatin's resolution for a day to take up Mr. Eyre's, ayes 8, noes 9, lost; my vote would not have changed the decision either way.

2. To postpone to take up Mr. Reed's of Boston, for an adjournment of the Convention to say 1st of April; vote as before. Boston, Philadelphia, Baltimore and Charleston voting for, and New York, Virginia, and District of Columbia against both.

3. Vote on Mr. Gallatin's resolution 9 to 8, carried; I could have tied and consequently lost the vote, but thought it right to let it go to convention, and in the mean time I could more fully determine how to vote, and perhaps receive further instructions.

In filling the blank Dr. B., delegate from Virginia, moved 15th October, lost; I voting in the negative.

15th September named, I could have carried this, but voted in the negative.

1st July carried, 12 to 6, I voting in the affirmative.

Another resolution was passed, appointing a committee to call another meeting of the convention when deemed expedient, and both were reported to the convention, with a third, of no importance, by Mr. King of Georgia, merely stating it to be the duty of banks to resume when able. To the first, however, was attached an amendment by Mr. Gallatin, that any bank might resume before 1st July, which I suppose is about as important as Mr. King's resolution.

In convention Mr. Van Ness reported the resolutions of the majority, and Mr. Eyre made a report from the minority, opposed to fixing a day and moved to take up the resolution reported by the minority. Mr. Van Ness made a long and rather tiresome (to the hearers) speech against the motion, and in favor of the report of the committee.

Mr. Johnson made a short but very appropriate speech against going into the merits of the two reports on this question, and in favor of taking up the report of the majority as being entitled to precedence, as more definite, and as bringing up directly that question which in some form must come up, viz: *whether the day should be fixed*. Mr. Meredith of Philadelphia replied shortly, and moved to postpone the subject with a view to a compromise, lost, 14 to 4; on this what seemed an indefinite postponement, I voted in the negative; he next moved to postpone it until to-morrow morning, and to cut short the debate, I moved to adjourn, which would affect his object, which was carried unanimously, the only division being as to time of meeting, which was fixed at 10.

My situation is one of great responsibility, if the States vote in Convention as they did in committee, my vote will decide whether a day be fixed or not for the resumption. My instructions are to vote for the earliest day in which all can unite. In view of this, I this evening inquired of Mr. Eyre whether he would agree to fixing the 5th October, but he said he could not agree to fix any day, but if he did fix any day would prefer one earlier rather than later than 1st July, and I proposed bringing up to-morrow the question of adjourning the convention until April, believing that at that time a day may be fixed. If now fixed, it will be in opposition to Massachusetts, New Jersey, Pennsylvania, Maryland and South Carolina, while Louisiana, Mississippi, Tennessee and Alabama, from whom the staple must come to pave the way for specie payments, have declined even sending delegates, so that probably three quarters of the banking capital of the country is opposed to naming a day.

8, P. M. I have just learned that neither the calling of the convention nor the time of resuming specie payments has been (as I am told by a bank director of the Bank of America) submitted to any board of directors in the city; that the whole action is by the President and Cashiers of banks.

Number of Delegates—Maine 2, Vermont 7, New Hampshire 2, Massachusetts 15, Rhode Island 5, Connecticut 7, New York 37, New Jersey 15, Pennsylvania 10, Maryland 6, District Columbia 2, Virginia 7, North Carolina 2, South Carolina 2, Georgia 1, Ohio 1, Kentucky 3, Indiana 1—135, a large and highly respectable assemblage.

Mr. Rockwell of Connecticut has this evening received instructions from the State delegation to vote against fixing a day; the vote then in convention will, without mine, be 8 for fixing a day and 9 against it; by voting for it I would tie, but not pass it, so it would be defeated at any rate. And to prevent too great odium being excited by some persons against the bank of the United States, I may vote against it, or I may safely vote for it, and can thereby do no injury, and I will consider the case being still uncommitted.

I presume an adjournment until April will take place.

I. COE.

NEW YORK, Dec. 1, 1837.

JAMES M. RAY, Esq.

Cashier State Bank of Indiana.

DEAR SIR:

To proceed with the proceedings of the Convention. We met at 10

and it was near 4 P. M. when we adjourned without taking any question.

On opening, Mr. Eyre withdrew his resolution for appointing a committee to call a convention, and Mr. Merret, of B., then moved to strike out the report of the committee to insert a set of resolutions providing, 1st for an adjournment until the 2nd Monday of May; 2nd. to appoint a committee to invite those states not represented to send delegates; and 3d. to recommend to all the banks to be ready to pay specie at the earliest practicable time after the meeting of the convention; which he supported by a very able and handsome address, showing our unpreparedness to fix a day now from the entire absence of all statistical information as to the state of the banks, at which, considering the abilities and information of the gentlemen calling the convention, he expressed much surprise. 2nd. Because so large a number of states, including the four great cotton growing States, were entirely unrepresented. 3d. From the fact, the report was made, as he understood, by only a majority of one in committee, and that Boston, Philadelphia, Baltimore and Charlestown, were opposed to it, without whose concurrence it would be impossible to continue specie payments if resumed. 4th. That the 1st July, if the calculations of the gentlemen from N Y. were correct, was too far distant, but if they proved erroneous, and we were not ready the 1st of July, after having appointed it, all confidence would be gone; and he had understood that should a second failure take place, Congress would pass the bankrupt act and wind them the banks all up.

Mr. Gallatin rose to move a division of the question, so as to take it on striking out only to prevent its recurring again for another substitute, and took occasion to give the same information respecting the south western states, which had, as I mentioned before, been given in committee. After some few observations by others, I rose to say that I should vote against striking out, that the question might come directly on the report of the committee, to give the members who wished, an opportunity to vote for a fixed day directly, and I thought it particularly right to give the delegation from New York, the means of showing in the most decided manner, that their efforts had not been wanting to fix a day, to justify themselves to their legislature, and that should the report be rejected, as it will be, I hoped they would then unite with others in the best manner to effect the object, in which all could unite.

At the same time, I took occasion to state, that Indiana strongly desired, and it was strongly her interest, to resume specie payments; that at the suspension, the Bank curtailed her discounts one fifth, not from necessity, but to show that her stockholders did not wish to make large profits out of unredemable paper, and that she had reason so to do, the profits for the preceding 6 months, having been 10½ per cent., which would but for the curtailment, from their increased exchange, have been still greater the next 6 months, and that when specie payments were resumed, she would probably authorize the expansion of 20 per cent. again, giving her increased profit.

That the people wanted the discount, and the state paying specie on

her debt, was desirousthe time should soon come, when she would not be obliged to pay a premium on it.

Still I was instructed to use my efforts to promote united action, and that while all the other great commercial cities and four fifths of the banking capital was united against fixing a day, I saw but little use in New York's attempting to resume. That the course of proceeding, both in convention and committee had differed from my expectation. I had supposed the gentlemen from the great commercial cities on both sides of the question, would have been prepared with statistical information to show the present liabilities and means of meeting them of the banks in the great commercial cities at least; the reduction of discounts, if necessary to effect to effect the object; the relation which means must bear to liabilities to justify resumption, and the probability of our being in a situation on the day named to resume, and that unless some statistical information from our great commercial cities was given, which would justify fixing a day for the resumption of specie payments, I should vote against it, although to allow the committee to report and bring the subject before the convention, I had withheld my vote in the committee.

Mr. Rockwell, of Connecticut, followed in a very good speech against the report of the committee for which he had voted (by instruction, but is now differently instructed,) and insisted particularly on the reasonableness of the call for statistical information, and this was urged by others. It being the ground I and I only had taken in committee, and Mr. Gallatin, chairman of the committee, was particularly called on. He rose and stated that indisposition prevented him from entering into a statistical statement, and repeated his argument before the committee, from debt to England, coming crops, and the support which New York State would give them of her whole credit, and intimated that New York would resume in May, whether others did or not, and regretted to find the United States Bank, which had three times come to their rescue in New York, when in difficulty, now hang back, and that he had not the least idea New York would prolong the term of their suspension beyond the year allowed.

Mr. Eyre in reply repeated in substance the same arguments used in committee, and stated that the Bank of the United States, although shorn of her power, would still come to the rescue of New York, when her necessities required, and that the Bank had yet so to do, but that she must take her own time and means; that she owed duties to Pennsylvania and her sister banks there, but that she was ready to resume when the whole country was ready for it, that she went for the whole union and the whole only. That if New York resumed without the other states, her banks would fail in a month, and bring all the rest with them, and that if she persisted on taking this course, on her her own head be the ruin it brought.

There were many other speeches; by Mr. Johnson of Utica 3 speeches; Mr. Merrett, Boston; Mr. Lewis, Philadelphia; Mr. Lawrence, New York; and others, although you have the substance of the argument above. I calculate to vote against striking out, which, if there is no

change, will tie and lose the motion. Then the report will come up. Mr. Rockwell will vote against it; I could vote for and tie it, but it would still be lost. I intend to vote against it, which will then make it 8 to 10. Then Mr. Merrett's resolutions will come up, and be carried 10 to 8, that is, provided no change of views take place. I hope to procure a united vote for home, but whether it will be decided to-morrow, is uncertain, but I think it will.

I have several times been asked for the summary of the state of our bank, which I read before the committee. One gentleman observing that it did him good to look at it. Mr. Van Ness, President of Bank of Metropolis, told me that we were the richest bank in the Union, and that I ought to have 3 or 4 votes on that account, but the whole action of the convention, said he, depends on you at any rate. If the vote passes to a day as I expect, before closing the mail, I will send this by express.

Yours.

I. COE.

2 P. M., Dec. 2d.

The resolutions from Mr. Merrett, with some modifications, are unanimously adopted, except one resolution, thus: it is inexpedient now to fix the time—carried 11 to 7; Delaware represented to-day; this gave New York an opportunity of voting on the direct question; Convention to meet 2d Wednesday of April next; no time for specie payment named. Convention about to adjourn.

Yours.

I. COE.

NEW YORK, December 4, 1837.

President and Directors of the State Bank of Indiana,

GENTLEMEN: Although I have furnished to your cashier a daily account of the proceedings of the Bank Convention, which as your delegate I attended, after receiving notice of the appointment with which I was honored, still it may be proper at its close to furnish a more general and official report for your information.

Your instructions to concur in the earliest day fixed for the resumption of specie payments in which the convention would unite, fully met the concurrence of my own opinion, believing there could be no united action unless all the banks felt prepared, and if all felt so prepared, whether justly or not, it would certainly not be the duty or interest of Indiana to oppose, even if not satisfied of the ability of other banks to make that resumption permanent.

It was however early perceived that so far from a united vote being likely to be obtained for fixing a day for the resumption of specie pay-

ments, the convention was nearly equally and very firmly divided as to the policy of fixing any day.

New York, from being a creditor state, has a strong interest in bringing on a speedy resumption, by which her debts will become more valuable, she has also several millions of dollars due her from the banks of other States which she is unable to obtain, until specie payments are resumed or the balance of trade shall give these cities funds in New York.

But that inducement which most strongly impels her to urge a speedy resumption, is that a law of the state general in its effects, dissolves all charters of incorporated companies, which for one year refuse to pay their debts and although the legislature has given the banks a letter of license for that year, yet as the question of further time was at the late election agitated and both political parties pledged themselves against giving further time, it is apprehended that no further time will be granted.

Still from the fact that the New York committee who had called the convention and took the lead in urging a day to be fixed, neither brought forward any statistics from their own state or others to show that the country was prepared, except from 2 banks in Natchez. One of which had more than \$2,000,000 of circulation and bank balances of several hundred thousand dollars against her, and but \$68,000 in specie to meet it, and the other nearly similarly situated, from these circumstances it was to be inferred that the New York Banks themselves were more desirous to show a desire to fix an early day, than to effect it.

Nor does the situation of New York city itself from the published statistics seem very favorable to her present ability, with 23 millions of circulation and deposit to 2 millions of specie, or including all present liabilities 30 millions debt, and all resources other than discounted bills less than 14 millions, of which more than 11 millions being in other bank notes, and balances could not be commanded unless they also resumed.

And the union of New York in this measure is far more than doubtful, when it is known that the measure both of calling a convention and fixing a day comes entirely from a committee of Presidents and Cashiers, men not engaged in mercantile business, and who were after the suspension appointed for other purposes, and who, I am informed on high authority, have never thought proper to submit the measure to a single board of their directors, which it is presumed they would have done, had they anticipated a concurrence.

And I might add, that after the adjournment, while the members from Pennsylvania and Massachusetts, gave it as their opinion, that an earlier day than the 1st of July would be fixed, one of the New York delegates, a President of its largest Bank, told me it would not probably take place before August or September.

On the other hand the delegates from all the other Atlantic commercial cities, including the one from the United States Bank, considered it entirely premature now to fix a day; that we were not now in a situation to resume, and events over which we have no control might prevent

our being ready on any named day, and a second failure would more destroy public confidence, than the non attempted resumption. That our principal resources for preparation come from the cotton growing states, of whom the four most important, have declined even sending delegates to consult on the subject.

The main argument on which the New York delegates relied was that bank notes were promises to pay, given with the understanding that payment should not be demanded. That if confidence was restored payment would not be demanded, and that if we resolved to pay, confidence would thereby be restored. But as the resolution to pay founded on no statistical information of ability might possibly not restore confidence, it seemed to me a very hazardous experiment.

Under these circumstances with no statistical information of ability to pay from any of our great commercial cities, I could not consent to use the undue weight which had been given to the delegation of Indiana, (by making her single delegate and single bank equal to New York, Pennsylvania or Massachusetts,) in deciding against say three fourth of the banking capital of the country, and throwing on them the entire odium of preventing a day being named.

And there were still stronger inducements for not doing so from the fact that of the nine states which in committee voted to fix a day, the delegates from three thus voted in pursuance of instructions and as they stated against their own judgments, while another nominated the 15th of October, and another voted for the 15th September. Leaving only New York, Ohio and Kentucky and the District of Columbia who were willing (the private opinion of the delegates being taken) to fix so early a day as the 1st of July.

When therefore the question came up in committee as to fixing a day, although I could not under these circumstances vote for it, and knowing that if my vote were given against it, it would equally divide the committee and prevent a report, I withheld my vote, giving as a reason, my inability to vote for it without some statistical information to show that it could safely be done, but not willing to prevent the report, hoping that information might be given in convention.

That your bank might not be supposed unready or unwilling to resume I stated to the committee my instructions and submitted a summary of the statement of the bank on the 31st of October, taken from the statement sent me as follows:

Capital paid in	\$1,847,125
Surplus fund and profit	404,677 67
Total	<hr/> \$2,251,802 69-100

LIABILITIES OCT. 31.

Circulation	\$2,205,812
Private deposits and unreclaimed dividends	333,164 61
State deposits	19,450 84

Due United States officers exclusive of specie deposits	633,198 24
Due other banks	69,725 18

\$3,261,350 87

MEANS OF PAYMENT EXCLUSIVE OF DISCOUNTED NOTES.

Specie exclusive of special deposits	\$1,048,714 72
Cash items and due from other banks	978,974 60
Bills of exchange	390,338 31

\$2,418,027 63

Balance required to pay all demands	843,333 24
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\$3,261,350 87

Discounted bills \$2,874,530 53-100.

Required from discount line to pay all demands 29 1-5 per cent.

Special deposits in specie by United States Land Offices \$211,573 70-100.

In reading I was interrupted to enquire whether I was not misunderstood in stating the amount of specie on hand which was considered hardly credible, and all admitted we were best off of any bank in the United States. Mr. Pope only stating that Kentucky was nearly as well off. A number of members then and afterwards asked the loan of my statement to take copies, one observing it did him good to look at it, and the delegate from the United States Bank, who also took a copy, stating that we made them all ashamed of themselves. In convention no statistics whatever being exhibited there did not seem an opening to exhibit ours, without subjecting to the imputation of boasting over others. I took occasion however when the remark seemed appropriate to state that I was informed the profits for the 6 months previous to suspension were 10½ per cent. and has it since been remarked to me that it was the universal opinion, not only that our bank was in the best situation of any in the union, but the stock was also the most profitable to hold.

When the report of the committee came up in convention a motion was made to strike it out after the introductory word, to insert resolutions presented by the delegate from Massachusetts, similar to those which passed except the second. My object being to procure a final united action, and knowing that my vote could not pass the resolution of the report I voted against striking out, to give as I stated (and what I thought was principally wanting) an opportunity to New York and some other states to vote directly on the question and show their legislatures, that their exertions had not been wanting to fix a day. It was however struck out against my vote, Delaware being now represented and Connecticut differently instructed. An opportunity of the direct vote was however given by a modification of the Massachusetts resolutions, when for the reasons above named, I voted it was inexpedient to fix a day, thinking it more just and generous to take a responsibility which our State bank is well able to bear rather than throw any odium of the decision entirely on

others. My intention however was that if from the statistical information shown, it had appeared that the banks might safely fix a day, leaving the inference that their not doing it was to have a political effect, then I would in every case have voted to fix a day and the earliest day in which I should have thought it could safely be done.

In voting to fill the blank in the resolution of the committee to fix the day I voted against October and September, had my vote been given for September, it would have carried; 1st July was next taken, this had been named by the New York committee and there was no chance of a majority in favor of an earlier day and I voted for it.

When the convention meets next spring, instructed as the delegates are to bring statistical information, it will probably be prepared to fix a day, and if appearances are then favorable as to ability, I think an early day, probably by the 10th of May unless the New York Legislature extend the license to its banks. For I think it would be disastrous in many respects for New York to attempt alone—not being able to command her balances from the banks of other states and liable to pay her own, the calls on her would be great, and if the state aids her as it is said she will, to any amount with her credit by giving her State bonds on credit, the very fact, that they would be used to draw specie from Europe, would be likely to cause European capitalists to set their faces against all American bonds and this would be ruin to our internal improvements.

In conclusion I have the pleasure to state that all the resolutions (except the one declaring it inexpedient to fix the time) passed unanimously and I think will receive the public approbation, and the meeting closed and was generally conducted with much harmony and good feeling.

Very respectfully,

ISAAC COE.





INDEX.

A.

ABSENCE, leave of, granted to—	
Mr. Huff	138
Mr. Blair	145
Mr. Crume	147
Mr. Haymond	147
Mr. Chamberlain	154
Mr. Davis	154
Mr. Dowling	154
Mr. Robbins	319
Mr. Glenn	695
Mr. Thompson of F.	701
Mr. Brown	710
ADJOURNMENT over the Holidays—	
Resolution of Mr. Blair	131
Resolution offered by Mr. Davis	135
ADJOURNMENT sine die—	
Report from Senate of passage of resolution	518
On concurring in said resolution	523
On motion to rescind, &c.	657
ADAMS COUNTY, member from, appears—	5
Petitions from citizens of	
Of William H. Parmelle for a State road	56
Of George French for the vacation of a State road	295
Of Samuel Hall for a State road	378
ALLEN COUNTY, member from, appears—	4
Petition from citizens of	
Of Henry Johns for a State road	56
Of James Hatfield for a divorce	73
Of M. W. Hubbell, relative to leasing water power	81
Of R. Hood for a State road	130
Of Joshua Vinson for a State road	148
Of Jonathan W. Elliott, asking certain powers be granted to Adam Hull, Sen.	360

ATTORNEYS PROSECUTING—

Election of in 1st and 2d circuit	60
do in 7th Circuit	720

AYES AND NOES—

On subscribing for papers for the use of the members	9
To amend law for election of U. S. Senator	40
Mr. Vandever's amendment to same	40
Mr. Bryce's amendment	41
On passage of same bill	46
On Mr. Henly's resolution to report a bill in conformity to Governor Noble's Message relative to public works	63
On Mr. Williams' of Wayne resolution relative to mode of prosecuting public works	75
To commit the Texas resolution	87
To postpone resolution relative to postage, &c.	89
On Mr. Vandever's amendment to Mr. Reeve's resolution relative to the public works	95
To lay the same on the table	96
On concurring in the report that it is inexpedient to classify the public works	402
To postpone the bill to prevent the circulation of small notes	111
To amend act to organize circuit courts, &c.	115
To commit bill to modify public works to select committee	121
On Mr. Henly's motion to strike out White Water Canal	122
On motion to commit to committee on Canals, &c.	123
On the indefinite postponement of bill to erect bridges over White Water canal	126
To adjourn over holidays	132
On same motion, &c.	136
On concurring in the resolution of the Senate to adjourn over the holidays	143
On an appeal from the decision of the chair	142
On rescinding the order of the House relative to the report of the Board of Internal Improvements	150
On passage of bill to amend system of improvements, &c.	160
To lay the Texas resolution on the table	162
On the revision of the laws	136
To indefinitely postpone bill relative to attornies	182
On making the New Albany and Crawfordsville road a turnpike road	184
To strike out the Spencer point	185
On Mr. Gregory's bill to modify the system of improvement	189
On printing Dr. Coe's communication relative to the Bank Convention, &c.	195
Relative to the connection between the Central and White Water Canal	198
On committing report to a select committee	199
On vote for State Printer	219
To classify the public works	223
To lay the same on the table	226

On report against changing the character of the Madison and Lafayette road	250
Motion to engross the Texas resolution	232
Requiring Fund Commissioners to negotiate loan in specie	233
On the passage of bill to authorize the Fund Commissioners to settle with the Messrs. Cohens	235
On Mr. Whitman's motion to amend the New Albany and Crawfordsville turnpike road bill so as to make it a rail road to Salem	236
On the passage of the same bill	237
On passage of bill to improve the navigation of the Wabash river	243
On laying on the table the report from committee on Canals and Internal Improvements relative to modification, &c.	248
On printing the report, &c.	249
On printing Mr. Gregory's bill	250
On striking out 2d and 3rd resolution (Mr. Perine's) relative to the conduct of the bank	268
On striking out the 3rd resolution	269
On laying the resolution on the table	270
To change the character of the Madison road (Mr. Walpole's resolution)	277
On instructions to the committee	279
To equalize the judicial circuits	293
To prescribe the mode of electing Canal Commissioners	298
To reduce the number of the Board to three	299
To reduce the Board to five	300
To appropriate \$250,000 on the Michigan Road	304
To appropriate \$250,000 north of Indianapolis	305
To reduce the pay of members of the Legislature, &c.	311
On laying bill on the table to connect, &c. with the Alton rail road	317
To divorce John Duvall and Nancy, his wife	318
To rescind resolution relative to Northern Canal	322
On joint resolution relative to public lands	327
On joint resolution to tax public lands	328
On adjourning to give the use of the Hall to the Whig Convention	334
Relative to pay of clerks and witnesses to Bank Investigating Committee	325
For the relief of Asa Brown	347
For lottery at Jeffersonville	349
To postpone Michigan Road bill	373
To lay said bill on the table	374
On concurring in report on said bill	380
On motion to strike out appropriation of \$250,000 and insert \$200,000	382
On motion to indefinitely postpone, &c.	383
On engrossment of said bill	385
To take up the bill to change the character of the Madison road	511
To put under contract part of the Northern Canal	513
To lay on the table resolution to adjourn <i>sine die</i>	518
To postpone bill for the relief of John R. Porter	525

Amendments relative &c. to Canal north of the National Road	532
On an appeal from the decision of the Chair	535
On amendment to Warsaw Manufacturing Company	536
On repeal of Geological Survey	539
On striking out bill relative to change of Madison road	551
On Mr. Owen's amendment to said bill	552
On Mr. Jones's amendment as to lettings on Central Canal	552
To reduce compensation to clerk of Board of Internal Improvement	556
On fixing the time of adjournment	560
To authorize John Meek to retail spirits without a license	572
To create a board of equalization	573
On printing Mr. Owen's bill relative to marriage settlements	575
To prevent the Fund Commissioners making loans in any other currency than gold and silver	576
To prevent professional gambling	579
Specie Circular, Joint Resolution relative to,	582
To reconsider vote relative to extension of Northern Canal	589
To take up the revision at 2 o'clock each day	595
On motion to strike out Bank Resolution and insert one of the Senate	599
To lay the same on the table	600
On passage of said joint resolution	602
To take up Bank resolution	603
To reconsider vote on said resolution	604
Mr. Zenor's resolution to compel the banks to resume, &c. on order of the Governor	606
To commit said resolution	607
To compel Banks to resume specie payments	608
To lay said resolution on the table	609
On the passage of said resolution	611
To take up the bill to confirm the State Bank in its franchises	616
On Mr. Judah's amendment	617
To repeal that part of the charter which exempts certain stock from taxation	619
To prevent Bank from purchasing fictitious bills of exchange	621
To postpone the bill and amendments	623
To concur in Mr. Judah's amendment	625
To indefinitely postpone, &c.	627
On Mr. Jones's amendment	628
To lay on the table	629
To take up said bill	630
To commit said bill with instructions	632
Mr. Howell's motion to amend report	633
To compel Banks to resume, &c. in sixty days	634
To strike out 5 and 6 sections of amendment	637
To lay bill and amendments on the table	638
On striking out the original bill	639
On adopting amendment, &c.	640
On the passage	644

To reject resolution prescribing mode of electing public officers by the General Assembly	654
To rescind resolution as to adjournment	657
On concurring in amendments of the Senate to bill to change the character of the Madison road	663
On proposition to reduce the number of the Board of Public Works	666
To regulate Medical Societies	670
To encourage the killing of wolves	671
To lay on the table bill relative to additional Bank stock	677
To refer to select committee	678
To alter charter by vote of two-thirds of the House	680
To lay on the table	681
To refer to a select committee	682
Mr. Proffitt's amendment to strike out six years and insert one	683
Directing committee to embody the amendments in the bill passed the House	684
To lay instructions on the table	786
On passage of bill to amend General System of Internal Improvement, &c.	688
Motion to lay resolution to rescind the specie circular on the table	689
On passage of resolution	692
To provide for the improvement on the Michigan Road	696
To indefinitely postpone, &c.	697
On motion to engross, &c.	699
Relative to water power, &c.	700
For survey and extension of Northern Canal	702
On joint resolution relative to revision of the laws	704
To lay on the table motion to print Bank Investigating Report, together with the evidence	706
On passage of bill to change the lease on part of University Square in Indianapolis	708
To authorize the printing of statutes in German language	709
Mr. Perine's resolution to return bill to incorporate Wesaw Canal Company	713
On bill to increase the stock of the State Bank	715
On passage of bill relative to stay of execution	733
Relative to Fund Commissioners, &c.	734
An amendment to justice act	738
To postpone justice act	739
Vote reconsidered	743
On passage &c.	744
On allowing Doorkeeper \$3 50 per diem	745
To lay bill on the table relative to taverns and tavern keepers	747
On bill for relief of Wurts and Rainard	748
To authorize a survey and estimate for a rail road from Perrysville to Illinois State Line	754
On motion to indefinitely postpone same	755
To lay Mr. Lane's resolution relative to protest on the table	757
On passage of revenue bill	760

On passage of bill for recording mortgages on personal property	766
On the passage of bill for protection of canals	770
Amendments to General Appropriation bill	772
On motion to recede from amendment to bill providing for additional stock to State Bank	776
On bill to revive act to incorporate Harrison and Indianapolis Turnpike Company	787

B

BANK STATE, Reports from,—

Statement from Board of Directors laid before House	10
Report from President of, relative to increasing stock	130
Relative to acts of Agent	139
Communicated from President	190
Report from Investigating Committee	389
Report from relative to Sinking Fund	150
“ “ containing list of borrowers	154
Dr. Coe's correspondence	815

BARTHOLOMEW COUNTY,—

Members from appears	4
----------------------	---

BATES HARVEY—

Communications from relative to J. B. E. Reid's testimony	636
---	-----

BILLS OF THE HOUSE OF REPRESENTATIVES.

No.	Introduced.	Passed House.	Passed Senate.	Approved.
1 Relative to election of U. S. Senator, &c.	26			
2 To enable heirs to inherit lands of alien ancestors	39			
3 To amend an act to incorporate the Aurora and Napoleon Turnpike Co.	47	306	543	940
4 To revive an act approved Feb. 4, 1837	47			
6 To locate a state road from Warsaw to Montezuma	49			
7 To appropriate three per cent. fund in certain counties	49	87	112	188
8 Explanatory of an act to provide for a lock in the pool dam	51			
9 To legalize the election of seminary trustee in Hancock County	53	160	762	802
11 For the relief of Jonathan Parks	62	165	213	266
12 To vacate part of Lafayette	63	160	290	360
13 To continue the Logansport state road via Bristol to state line	63			
16 To repeal law to prohibit circulation of small notes	68			
17 To declare a misprint	69	160	762	810
18 To amend an act for opening and repairing roads	69	585	786	801
19 To provide for the erection of bridges over the White Water Canal	69			
20 Relating to practice in suits at law	69	783		
21 Regulating the compensation of jurors and witnesses	69	376		
23 For the relief of Ezra M. Jones	74	91	112	188
24 To incorporate the Morgan County Seminary	75	306	519	655
25 To incorprrate New Washington	75	91	241	288
26 For the relief of John B. McDowel	75	303	314	523
27 To authorize Kosciusko Co. to recover 3 per cent. fund	75	160	213	266
28 To appropriate 3 per cent. fund in Orange county	75	160	214	266
29 For the sale of a school house in Washington county	82	160	213	266
30 For the formation of the 10 circuit	82			
31 To change the name of the town of Middletown	82	160	178	220
32 To legalize the acts of the Fayette County Bridge Commissioners	86	113	132	157
33 To appropriate part of 3 per cent. fund in certain counties	86	160	240	288
34 For the relief of Joseph Wells.	86	160	178	220
35 Relative to Vincennes University	86	306	593	802
36 Regulating jurisdiction and duties of justices of the peace	86			

37 Amend 16th section of act of 1837, relating to state roads	86	160	762	810
38 To incorporate Indianapolis Fire Company	86	160	291	360
39 To incorporate Princeton	86	306	519	736
40 Fixing the time of holding courts in 9th circuit	86			
41 Regulating practice in suits at law	86			
42 To repeal an act relative to working roads in Clay county	86	160		
43 To amend the circuit court act	87			
44 To incorporate the Lagro Bridge Company	92	159	241	288
45 To locate a state road from Paoli to Troy	92			
46 To relocate certain state roads in Orange county	92			
47 Relating to state and county revenue in Lake co.	92	140	773	809
48 To repeal an act relative jurisdiction of justices of the peace in Clay county	92	159	773	810
50 To regulate the jurisdiction of justices of the peace in Morgan county	98	159		
51 Granting additional time to the collector of Porter county	98	160	773	810
52 Authorizing a lottery at Jeffersonville	98			
53 Declaring Big Raccoon a public highway	98	160	240	
54 To appropriate part of the three per cent. fund in Dearborn county	98	160	240	288
55 Declaring Sugar Creek a public highway	98	646	773	811
56 To encourage the killing of wolves	98	306		
57 For opening roads, &c. in Hancock county	98	160	291	655
58 To appropriate 3 per cent. fund in Bartholomew co.	98	159	762	801
60 To amend surplus revenue law	100	150		
61 For the relief of Henry Matthews	101	306	592	
62 To amend an act to provide for General System of Improvement	102			
63 To provide for a uniform mode of doing county business	103			
64 To amend system of Improvement	105	128	309	351
66 To modify the system of Internal Improvement	110			
67 Concerning state roads therein named	110	307	540	737
68 To amend law giving mechanics a lien on buildings	110			
69 To amend an act relative to evidence	110			
70 To amend Internal Improvement law	110			
71 For the relief of John Charmichael	118	160	773	809
72 To incorporate the town of Paoli	118	387		
73 To prohibit the circulation of small notes	118	555	660	
74 Declaring certain names a misprint	118	361	520	542
75 For the relief of John R. Porter	118		540	
77 To remove obstructions in Anderson's river	127	361		736
78 Granting certain powers and privileges to the grantors therein	131	745	775	810
79 To prescribe the mode of electing members of the Board of Internal Improvement	137			

80 To provide the election of County Treasurer	140			
81 To incorporate the town of Martinsville	141	387	660	789
82 To appropriate part of the three per cent. fund in Warren	145	592	660	737
83 To amend the road law in certain counties	145			
84 To legalize the acts of Recorder of Jackson county	145	653	721	789
85 To amend law relative to admission of Attornies	145	547	721	790
86 To provide mode of electing Seminary Trustees in Posey Co. Seminary	145	361	540	736
87 To provide appointment of county surveyors	145			
88 To relocate a state road in Dearborn county	146			
89 To organize Jasper county	148	361	660	788
90 To incorporate the Knightstown Trading and Manufacturing Company	155	578	725	809
91 Providing for safety of stage passengers	159	387	728	788
92 To legalize the election of probate judge in Lake co.	159	386	543	
94 Declaring certain county roads state roads	164			
95 For the relief of John B. Walker	164	362	540	737
96 To change the name of St. Joseph Iron Works	165	646	760	801
97 To change the name of Calvin C. Marsh	165	362	540	737
98 To amend an act for the formation of the county of Brown	165	314	762	810
100 To legalize the acts of Thomas Bowman	167	362	540	737
101 Supplemental to an act to incorporate Jeffersonville Savings Institution	167	364	611	790
102 To establish temporarily the seat of justice of Lake county	167	362	543	810
103 To locate a state road from Portland to Anderson-town	167			
104 To declare a county road a state road	168	362	520	
105 To incorporate the Rockport steam Mill company		306	519	586
106 To confer to State Bank its franchises	176	316	359	
107 To locate the seat of justice of Wells county	176	176	290	
108 To authorize the erection of a mill dam across Wash-bash river	176	578	721	790
110 To provide for McAdamizing the Michigan road	181			
111 To provide for the election of a justice of the peace in Hartsville, Bartholomew county	181	362	540	736
112 To fill a vacancy in a commission therein named	181	578	721	
113 To provide for the navigation of Big St. Joseph	181	578	726	801
114 To incorporate the South Bend & Wesaw Company	181	705		
115 To amend crime and punishment law	181			
116 To amend law for licensing attornies, &c.	182			
117 To locate a State road from Harrisburgh to Dublin	185			
118 To divorce John Duvall and Nancy Duvall	185	376	787	810
119 To locate a State road, &c.	185	376	520	655
120 To change the Morgansford and Brandywire State road	186	362	540	737
122 Relative to the county library of Sullivan county	188	329	520	655

123	Providing for the sale of school lands in Sullivan county	188	362	540	737
124	Relative to the acts of householders in Lake county	188	362	592	737
125	To incorporate the Jeffersonville Savings Institution	188	375	774	788
126	To authorize an additional justice of the peace in Brown township, Montgomery county	188	329	773	
127	Relating to settlers on public lands in Lake county	189			
128	To modify system of Internal Improvement	189			
129	For the appointment of an agent	189			
130	To amend revenue law	190			
131	To improve the navigation of the Wabash river	197	329	712	789
132	To abolish imprisonment for debt	209			
133	To amend surplus revenue law	211			
134	To incorporate the town of Indianapolis	232	578	726	802
135	To regulate descents, distribution and dower	235	522	764	788
136	To regulate divorces	235	669	725	788
137	To regulate taking up animals going estray, &c.	235	735	773	810
138	To regulate prisons and prison bounds	235	669	722	788
139	To establish the office of notary public	235			
140	Concerning Secretary of State	235			
141	To provide for the further improvement of the Michigan road	236			
142	To provide for the improvement of the Wabash river	236	244	728	801
143	To organize the militia system	242			
144	To regulate distress for rent	245	669	721	800
145	Regulating the action of replevin	245	669	721	802
146	To prevent unlawful gaming	245	670	721	802
148	In relation to connecting the Alton rail road	245			
149	To authorize survey and extension of Wabash and Michigan canal	256	578		
150	To amend an act to appropriate a part of three per cent. fund in Orange county	257	150	540	737
151	To change the name of Edinburgh to Brewersburgh	257	329	520	655
152	For the formation of the county of Winson	257	641	676	
153	For the relief of Campbell Dale	257	362	540	737
154	To authorize Lewis Jones to sell a lot in Washington	258	329	540	737
155	To change the name of Carthage to Palmyra	258	329	520	657
156	To legalize the sale of certain school lands, &c.	258	306	538	737
157	Relating to the town of Vernon	259	362	540	737
158	To incorporate the Harrison and Napoleon turnpike company	259	337	592	737
159	To authorize the election of an additional justice of the peace in Hendricks county	259	375	520	655
160	To locate a State road from west line of Hancock county to New Castle	259	376	660	737
161	Declaring a certain county road in Jackson county a State road	259			
163	Prescribing the mode of changing venue, &c.	263			

164	For the prevention of frauds and perjuries	263			
165	To regulate the action of dissesin	263	669	721	
166	Concerning clerks	263	669		
167	Concerning inclosures and trespassing animals	263	669	721	902
168	To regulate medical societies	263	676		
170	To incorporate a certain turnpike company	263			
171	For the election of county treasurers	264			
172	To incorporate the Wabash Hotel Company	265	362	538	
174	To regulate practice in suits at law	267	768	714	788
175	Directing the mode of prosecuting writs of habeas corpus	267	669	726	801
177	To legalize the acts of board of justices of Decatur county	284	329	520	655
178	To incorporate New Boston	284	388		
179	To provide for printing 1000 copies of the laws in German language	285	388	660	
180	To create a State road	285			
181	To provide for a justice of the peace in Daviess county	285	329	540	737
182	To organize Whittly county	286	528	726	801
183	To define the boundaries of Wabash, Miami and Fulton	286	380		
184	To declare Turman's creek a public highway	286	520	655	655
185	To establish a county treasury	292			
186	To authorize the seizure of boats for debt	292	669	726	790
187	Relative to proceedings on writs of <i>quo warranto</i>	292	669	721	811
188	Relative to forcibly entry and detainer	292	669	722	802
189	Dividing the State into judicial circuits	293	530	676	
191	For the relief of John Matthews	296	329	592	
193	To amend an act to regulate the State prison	296			
192	For the relief of Durbin Gaw	296	375	538	736
194	To legalize the act of Board of Commissioners of Vanderburgh county	296	306		357
195	For carrying the laws into effect in new counties	297	611		802
196	Authorizing attachments, &c.	297			
197	To regulate practice in Chancery	297			
198	For the relief of the heirs of Michael C. Snider	303	388	543	811
199	To legalize the election of the trustees of the Presbyterian church, Decatur county	303	388	775	809
200	To incorporate the city of Logansport	309	388	726	802
201	To re-locate part of a State road in Monroe county	310	388	543	809
202	To vacate the town of New Burgh	310	388	543	809
203	To incorporate the Richmond and Brookville Canal Company	310	578	726	803
204	To amend law for draining Lost creek	310	355	519	542
205	To amend incorporation of Lawrenceburgh and Harrison turnpike company	310	387	3	
206	To amend incorporation of Pleasant Run School District	310	362	540	737

207 To locate a State road therein named	310	387	543	
208 To amend incorporation of Rush county seminary	310	387	543	810
209 Relative to an appropriation of money on White river				
210 To reduce the pay and mileage of members of the General Assembly	311			
211 To incorporate the Crawfordsville and Williams port turnpike company	310	388	660	790
212 To authorize Dan. Mace, &c.	312			
213 Giving the State the right of, &c.	312	338	660	
214 To amend the school law	312	387		
215 To enable persons to remove fences	312	778		
216 To revive and confirm certain State roads	311	387	726	789
217 To regulate marriage settlements, &c.	312			
218 To repair public roads and highways in Gibson county	313	388	660	801
219 To prevent the circulation of individual bill	313			
220 To locate a State road in Hancock county	313			
221 To authorize the location of the White Water Canal north of the National Road	312			
222 To provide for draining the low lands around Centre Lake	310	388	543	809
223 Rescinding a joint resolution	313			
224 Concerning vagrants	313	669	722	802
225 For the regulation of the State prison	313			
226 Relative to limited partnerships	313	660	721	789
227 For the safe keeping of prisoners	313	669		
228 Defining and regulating privileges	313	669	723	802
229 To appoint escheators and define their duties	318	778		
230 For the relief of John Bennett	319	388	592	737
231 To authorize the election of an additional justice of the peace in Clinton, Vermillion county	322	376	520	655
232 To amend act to authorize Richard M. Kirk to raise his mill dam higher	323	388	543	810
233 To reduce the compensation of clerk of Board of Internal Improvement	323			
234 To reduce into one act several acts on the subject of the revenue	329			
235 To locate a State road from Mishawaka to Syracuse	329			
236 Relating to the office of School Commissioner	330	388	723	802
233 To locate a State road from Goshen to Elkhart	230			
238 To amend the act of incorporation of Jeffersonville	232	711	765	790
239 For the relief of Edward Hopkins	352	276	592	737
240 Authorizing additional justices of the peace in Montgomery county	352	388	766	802
241 To provide for taking depositions, &c.	352	687	726	788
242 To locate certain State roads	353			
243 To provide for payment of clerks, &c. to committee of revision, &c.	353	353	653	

247 To provide for survey of Kankakee river	353			
249 To amend charter of Evansville	253	388	592	
250 For the relief of Henry Boyce	353	388		
251 To provide for keeping register of births	353			
253 To fix the pay of the Board of Public Works	353			
854 To authorize the appointment of constables, &c.	354	669	721	790
255 Concerning tenants holding over	353	669	721	807
258 For the relief of the collector of Jay county	553	355	660	737
256 Relative to the clerk's office of Marion county	353			
241 To amend an act to provide for a general system of improvement	355			
245 For a State road from Owl Prairie to Carlisle	355			
246 To declare a county road from Ripley county a State road	356			
248 To change the name of a town in Owen county	356	388	543	810
252 For the relief of James Sutfin	356	376	520	
260 On the subject of leasing water power at the Delphi dam	357	376	726	809
261 To vacate the town of Grand View	358	578	721	801
262 To prevent disasters on steamboats	358			
259 To authorize John B. Turner to sell a lot in Logansport	358			
264 To authorize Mary Butler to convey certain lands	364	578	721	801
265 To amend act for the encouragement of agriculture	366			
266 To authorize Arthur M'Clure to build a bridge, &c.	369	578	661	801
267 To incorporate the Indiana manufacturing company	370	387	660	267
268 To provide means to increase the bank stock	370			
269 To provide for commissioners, sheriffs, coroners, &c.	371			
270 To regulate the mode of doing county business	371	760	783	811
271 To encourage the killing of wolves	378			
272 Relating to evidence	378	779	783	810
273 Subjecting real and personal estate to execution	378			
274 For a more uniform mode of doing township business	379	731	762	810
276 To incorporate the mayor and common council of Delphi	338	647	723	802
277 To change the character of the Madison and Lafayette road	339	648	661	737
279 To incorporate the Michigan and Indiana rail road company	339	647	726	
290 To incorporate the Elizabeth steam mill company	345	527	660	737
283 For the relief of Asa Brown	347	347	592	737
284 To incorporate the St. Joseph's Bridge Company	348	586	726	
285 To regulate interest on money	516	532	592	736
286 To amend act relative to Seminary township, Monroe county	516	714	721	810
237 To locate a State road from South Bend to Christian creek	516			
288 To legalize the acts of the trustees of the town of Putnamville	517	578	721	

289 To incorporate the Warsaw manufacturing company	517	578	726	788
290 To appropriate 3 per cent. fund in Stark county	517	578		
291 To connect certain State roads	517			
295 To incorporate the Calumet Bridge Company	527	578	726	802
296 For the relief of John Hatfield	529	748		
292 To appoint road and bridge commissioners in Spencer and Perry counties	529	592	726	736
297 To incorporate the Marion Guards	534	592	714	737
298 Authorizing the sale of certain lands in Dubois county	547	578	726	788
299 To authorize the Board of Internal Improvement to let water power, &c.	548			
300 To authorize the Board of Commissioners of Gibson county to levy and collect tolls on certain bridges	554	778	778	
301 Declaring Big creek a public highway	554	687	728	801
302 To change the name of a town	554	687	766	802
304 To legalize the sale of certain school lands in Orange county	555	581	721	789
305 To incorporate the town of Raysville	550	731	762	
305 To locate a State road from Rushville to Knights-town	556			
307 Supplemental to an act to locate a State road from Charlestown to Salem	557	581	721	789
308 To provide for the further improvement of the Michigan road	557			
309 To declare certain county roads State roads	558			
311 To establish a State road in the county of Morgan	558			
312 To locate part of a State road therein named	558			
317 Making general appropriations for 1838	572	745	771	810
318 Making specific appropriations for 1838	572	745	771	810
314 To authorize John Meek to retail spirituous liquors without a license	572	687	726	801
316 To establish the Governor's Guards	576			
322 Authorizing the Board of Commissioners of Clay county to do certain acts	586	778		
319 To legalize the acts of school commissioners of Spencer county	586	687	728	801
320 To incorporate the Logansport insurance company	586	647		
324 To establish the location of the Central canal north of Indianapolis	586			
325 In relation to the pay and mileage of members of the General Assembly	586			
324 To construct a bridge in Hancock county	594			
323 To legalize the conveyance of certain lots in Princeton	596	599	721	801
331 To authorize the election of trustees to Dubois county seminary	596	596	721	801
332 To authorize change of ground with Wm. Rockhill	596	596	721	810
334 For the relief of David Milburn	596	596	721	800

336 For the relief of sundry citizens of Green county &c.	597	597	726	788
329 To locate a State road in Orange and Washington counties	597			
335 To locate part of a State road in Green county	597		721	
338 To locate a State road in Vigo county	597			811
330 To incorporate the Peru and Rochester turnpike company	597	647	726	789
333 Relative to the Madison and Lafayette rail road	597			
334 Directing the treasurer of State to pay certain monies	597			
340 To amend law providing for general system of improvement	597	745	773	811
341 To change the mode of doing county business in Porter county	597			
339 Relating to taverns and tavern keepers	597	745	773	809
361 To authorize Wetmore and Toby to build a mill dam on the Wabash	647	722	773	802
363 To amend the charter of the Mount Carmel and New Albany rail road	647	722	768	790
374 To repeal part of charter of Clay county seminary	647			
354 To regulate duties and jurisdiction of justices of the peace in Hendricks county	648			
342 For the relief of the heirs of James H. Wallace, deceased	651	651	721	801
344 Fixing compensation for agent of saline lands	651	651	721	790
355 To incorporate the town of Laporte	651	651	726	789
356 To incorporate the Exchange Hotel Company	651	651	726	801
355 For the relief of the children of James C. Lee	652	652	721	801
360 To authorize Dawson and Spencer to build a mill dam on the St. Joseph	652	652	722	801
368 To regulate the keeping of stallions and jacks	652	652	722	701
369 For the relief of Edward Lane	652	652	722	801
370 To change the name of Middletown	652	652	722	790
373 To incorporate the Armiesburgh Bridge Company	652	652	726	801
357 Relative to the commissioner of the Vernon and Greensburgh State road	652			
345 Giving the State of Illinois the right of way to connect rail road at Perrysville	652	671	773	809
347 Repealing all laws granting premiums on wolf scalps	652	745	773	809
362 To permit and authorize the city of Cincinnati to construct part of her canal in Indiana	652	749	785	809
366 To appropriate certain three per cent. fund	653			
374 Relative to stay of executions in certain cases	652	733		
343 Concerning lot No. 70 in Jeffersonville	653	653	126	
348 To appropriate specifically the three per cent. fund in Porter county	653	653	721	801
352 To incorporate the town of Greensborough	653	653		
349 To divorce Andrew Martin from Elizabeth Martin	654	747	721	802
351 To authorize subscription of stock for the Jeffersonville canal	654			

371 To provide for the sale of certain lots in the town of Indianapolis	654	674		
359 For the relief of John Bell	654	654	720	782
375 To incorporate the town of Greensburgh	699	766	766	802
376 To incorporate the Union Rail Road Company	701	711	766	809
377 To extend the Erie and Michigan Canal	702			
379 To change part of a state road	705	705	766	802
397 For the relief of Willis G. Atherton	705	745	773	810
384 On the subject of a McAdamized road from Indianapolis to Crawfordsville	705			
385 To extend the Erie and Michigan Canal	706			
396 To regulate the per diem allowance of members of the General Assembly	706			
378 To authorize Robert Vance to be committed to private custody	706			
386 To change the lease on University Square, Indianapolis	708	709	762	
388 To improve the Michigan Road	709			
390 Relative to a state road, &c.	709			
380 To amend an act for apportioning senators, &c.	710			
381 To incorporate the town of Lebanon	710	710	766	801
389 To legalize the sale of school lands in Parke county	710	710	766	802
391 Relative to certain state roads in Clay county	710	710	766	801
392 Relative to a canal from St. Mary's to Fort Wayne	710	710	766	801
393 Changing time of holding courts in Hancock, &c. counties	710	710	725	
382 Concerning public defaulters	718	710	766	802
383 For the relief of J. T. Shields	711	711	766	801
400 Fixing the time of holding courts in 4th circuit	719	719	761	810
401 To publish certain laws	719	719		
402 Fixing the time of holding the courts in first circuit	719	719	725	802
404 To amend an act to establish State Bank	725	725		
408 To revive an act to incorporate the Harrison and Napoleon Turnpike Company	746			
350 To divorce Lucy Hudson from Daniel Hudson	747	747		
409 To locate a state road from Connersville to Christer Kinders	753	753	787	811
410 To provide for distributing the laws, &c.	758	758	786	
411 For the relief of the owners of canal lands	758	758	786	802
412 Concerning the revenue	758	760		
414 To vacate a state road	771			
415 In relation to duties of Secretary of State	778	778		802
416 Supplemental to an act to authorize an additional justice of the peace in Brown township, Montgomery county, Ohio	785	785	787	811

BILLS OF THE SENATE.

No.		Reported from Sen.	Passed the House.	Approved.
	Act to repeal act relative to the election of U. S. Senator	40	46	737
	To legalize acts of school trustees in Lawrence county	49	49	188
	Appropriating part of 3 per ct. fund in Lawrence county	72	72	112
	Appropriating part of 3 per cent. fund in Fountain county	72	72	112
11	To legalize the act of Anthony F. Smith		90	90
13	Authorizing the change of venue in a certain case	90	117	359
23	To change a state road therein named	112	128	159
25	To incorporate the American Cannel Coal Company	128		
29	To authorize the Fund Commissioners to settle with certain debtors of the State	128	128	288
37	To provide for the collection of part of revenue of La-porte county	144	144	351
53	To establish a state road from Logansport to Noble county seat	178		
56	To enable school commissioner of Ripley county to do certain acts	213	362	355
10	To establish a state road in Elkhart county	214		
20	To locate a state road from Indianapolis to Shelbyville	214		
21	Relating to changing the mode of electing 3 per cent. fund agent	214	360	
22	Changing part of the Vernon and Greensburg state road	214		
31	To amend 42 section of act relating to state roads	214		
35	To locate a state road from Cambridge city to Ft. Wayne	214	306	655
42	To locate a state road therein named	214		
64	For the relief of the collector of Perry county	215	215	266
9	To incorporate the West Delphi Bridge Company	240	320	
45	To establish a state road therein named	240		
49	To legalize the sale of certain school lands, &c.	240	362	542
51	To authorize the treasurer of Dearborn county to pay over road tax	240	366	655
63	To legalize the sale of school lands in Floyd county	240	306	357
43	To define the boundary line of Grant county	241	529	580
73	To amend an act to establish and relocate certain state roads	306	359	
78	For the relief of Samuel Ward	251	251	
26	To incorporate the Marion and Mississinawa bridge co.	255	647	
58	To locate a state road in Boon county	254	580	737
76	To locate a state road therein named	255		

55 To locate a state road from Delphi to Marion	290		
60 To locate a state road from Laurel to West Union	290		
104 To locate a state road from Washington to Charleston	290	376	542
17 To locate a state road from Bristol, in Elkhart county, to Lagrange co.	291		
36 To incorporate the Greenville Academy in Floyd county	291	388	542
45 To authorize the construction of a bridge over White riv.	291	578	694
67 To appropriate a part of the three cent. fund belonging to Cass county	291	306	351
68 To locate a state road therein named	291		
71 To incorporate the Laurel Bridge Company	291		
103 For the relief of Isaac Kimberlin	291	388	542
99 To amend charter of Buffalo & Mississippi rail road co.	297	516	655
46 To amend 28 section road law 1837	297		
60 To amend surplus revenue law	297	719	
80 To prescribe the mode of electing board of Int. Improv.	297	306	360
81 To regulate damages on protested bills of exchange	298	761	
116 To appropriate a part of the 3 per cent. fund in Morgan county	298	388	542
130 To authorize the Laporte Circuit Court to hold special session	309	309	352
41 Declaring certain county roads state roads	314		
90 To improve the breed of horses and sheep	314	669	669
128 An act for the protection of bridges	314	731	
84 Respecting apprentices	357	669	669
40 To incorporate a certain company therein named	519	648	
113 To incorporate the Westfield Steam Mill Company	519	745	
146 An act prescribing the mode of authenticating copies of records from the board of Internal Improvement	519	581	687
156 Relief of the owners of certain forfeited lands, &c.	520	521	655
157 To locate a state road therein named	521		
106 To amend the charter of the borough of Vincennes	537	538	
145 To amend an act to organize circuit courts, &c.	537	687	737
172 To establish Fire Companies	537	580	694
176 To repeal an act to provide for a Geological Survey	537		
177 To legalize certain proceedings in relation to certain lands	537	580	194
83 To provide for the partition of real estate	537		
178 To provide for the security of the State House	537	784	
180 To authorize Asher Wilcox to erect a mill dam, &c.	537	580	694
181 To establish a horse boat ferry on the Wabash at Attica	538	578	694
182 To locate a state road from Tiptonsport to Monticello	538		
162 To establish a state road from Charlestown to Bethlehem	540		
163 To locate a state road from Clarkstown to E. Stors, Hamilton county	541		
96 Directing the mode of appointing county surveyors	541		
97 To authorize the arresting fugitives from justice	542	575	694
85 To authorize the vacation of towns	542	687	
109 Authorizing and regulating arbitrations	543	687	

127 Relative to fugitives from labor	543	687
144 To establish a University of the State of Indiana	543	711
100 To locate certain state roads therein named	544	
133 To incorporate the town of Rockport	544	647
143 For the promotion of schools in Clark's Grant	544	653
164 To incorporate the town of Franklin	544	653
184 To incorporate the Logansport Collegiate Institute	544	
48 Concerning enclosures and trespassing animals	593	
105 To locate a state road in Vermillion county	593	
115 To authorize Elisha Long and his wife to sell certain real estate	593	
188 For the relief of Warts and Rainard	503	749
194 To authorize the election of j. p. in Yorktown	593	778
300 Attaching Canal Port to Lewisburgh	593	778
301 To provide for the election of a j. p. in Middletown, Shelby county, Ind.	593	778
303 To provide partial payments on canal lands	593	784
304 To incorporate the Bailey town and Chicago turnpike	593	547
165 To incorporate the Northfield steam mill company	661	661
86 To provide for the support of illegitimate children	676	711
168 To regulate the jurisdiction and duties of justice of the peace	676	743
174 Relating to county seminaries	676	699
175 To authorize the loaning of the college fund	676	699
308 To incorporate county libraries	676	677
309 For the incorporation of Agricultural Societies	676	734
310 To incorporate the town of Terre Haute	676	711
311 To provide means for additional stock to the State bank	676	
314 To organize the Supreme Court, &c.	676	725
348 Fixing the time of holding courts in the 9th circuit	719	719
317 To regulate the summoning jurors	723	723
318 Appointing a commissioner for certain purposes	723	778
320 To change the name of the town of Mauksport	723	723
349 To fix the time of holding courts in 2d and 3d circuits	723	723
87 Providing for the incorporation of towns	724	724
88 To regulate marriages	724	724
94 For the election of county and township officers	724	724
98 To regulate general elections	724	724
123 For the inspection of salt, &c.	724	724
124 For the relief of the poor	724	724
142 To regulate the State Prison	724	
153 Concerning corporations	724	724
170 Concerning State Library	724	724
171 Regulating taverns and groceries	724	747
326 To incorporate congressional townships and to provide for public schools	724	745
335 To provide for holding an additional term in Cass co.	724	724
347 Declaring certain county roads state roads	724	724
346 To legalize the sale of certain town lots	724	724

350 To appropriate the 3 per cent. fund in Jasper county	724	
91 To establish and regulate ferries	727	735
95 Relative to repairing and opening roads and highways	227	762
126 Concerning debtors and their securities	727	727
306 To organize probate courts	727	735
307 For the incorporation of public libraries		727
322 Defining the duties of recorder	727	727
323 To regulate the trials of the right of property	727	727
334 Giving mechanics a lien upon buildings	727	727
325 Subjecting certain articles to sale for repairs	727	727
326 To authorize writs of ne exeat	727	727
328 Providing for changing venue in criminal cases	727	727
332 To amend incorporation of Lawrenceburgh Bridge Co.	727	727
331 To locate a state road from Bedford to Salem	727	
333 To locate part of a state road in Hendricks county	727	
334 To amend incorporation of Perrysville	727	727
338 To locate a state road from Delphi to state line	727	
339 To amend an act relating to state roads	727	
340 To locate a state road from Indianapolis to Shelbyville	727	
361 To provide for holding courts in seventh circuit	761	761
54 To correct a misprint, &c.	762	
79 To authorize the commissioners of Tippecanoe county		
to make certain payments	762	762
106 To locate a state road therein named	762	762
336 To provide for the salary of Wm. Polke, Road Com.	762	762
187 For the protection of canals, &c.	763	770
Relative to county boundaries	764	771
367 To incorporate the Laporte University	764	764
62 To incorporate the Mishawaka Iron Company	765	765
24 To abolish public executions	765	
33 Providing for recording mortgages for personal property	765	767
100 To locate a state road from Napoleon to Eli Galloways	765	
111 To make a state road through part of Warren and Vermillion counties	765	787
125 For the appointment of trustees to receive deeds, &c.	765	767
147 To locate a state road therein named	765	767
148 To locate a state road from Strawtown to Rochester	765	767
150 To locate a state road from Kankakee to Laporte	765	767
169 An act relative to crime and punishment	765	
315 For the safe keeping of prisoners	765	767
355 For the formation of a special school district in Marion county	765	767
356 To change the mode of doing county business in Scott county	765	767
119 For the formation of the Union School district	766	767
38 To locate a state road from Landing's Ferry to intersect the Versailles state road	771	771
61 To authorize the relocation of a state road in Gibson county	771	771

66 To amend surplus revenue act	771	771
70 To relocate the Richmond and Fort Wayne state road	771	
52 To regulate the summoning of jurors in 6 circuit	773	773
188 Authorizing a survey of a road in Clinton and Carroll counties	773	
368 Relative to sale of school lands	775	775
141 To regulate fees and salaries, &c.	777	
173 Concerning the Auditor of Public Accounts and Treasurer of State	777	
33 Directing the Treasurer of State to pay certain monies	777	777
158 To create the office of Cursitor of Michigan City	784	

BOONE COUNTY—

Member from appears	4
Petitions from citizens of	
Remonstrance from sundry citizens against certain State roads	295
Of Thomas F. Merks against a State road	321
Of Noah Bucket relative to a State road	332
Of Hiram Andrew for a State road	657
Remonstrance of Amos Davis against the same	651

BROWN COUNTY—

Petitions from citizens of	
Of sundry citizens praying to be attached to Bartholomew for representative purposes	100
Of John M. Dunbar for same purpose	151
Business, order of, announced	37

C

CARROL COUNTY—

Member from appears	4
Petitions from citizens of	
Of N. B. Dewey for a State road	138
Of R. V. Higgins for a State road	172
Of Abner Evans for leasing water power, &c.	193
Of sundry citizens on the subject of water power	231
Two remonstrances against the formation of a new county	282
Of John Gust on the subject of doing township business	283
Of John Woodman on same subject	295
Two petitions on the subject of a State road	379

CASS COUNTY—

Member from appears	4
Petition from citizens of	
Of Robert Gray for the location of a State road	56
Of Richard Pryor for State road	57
Of Richard Tyner for a State road	62
Of Samuel McPherson for a State road	124
Of Wm. D. Ross for a change in a State road	172
Of sundry citizens for a new county	283
Of Wm. Wilkinson for a State road	354

Of David Atwell for a bridge over Eel river	379
CLARK COUNTY—	
Members from appear	4
Petitions from citizens of	
Of Samuel L. Adair for the incorporation of New Washington	38
Of Henry Harrod relative to appointment of pilots at the falls	124
Of B. Hensley on the subject of extending the States prison	171
Of citizens of Jeffersonville to prevent retailing of spirits, &c.	275
Of sundry citizens for a State road	275
Of sundry citizens on the subject of subscription stock	275
Of sundry citizens on the subject of pilots at the falls	276
Of sundry citizens to improve the breed of horses	283
Of Wm. Lewis relative to lot No. 2	336
Of the Board of Directors of the Jeffersonville Canal Company	339
Of James Keigwin to change the rail road	339
To change the boundaries of a school district	355
Of John Douthett relative to establishing lost corners	577
CLERKS of the House, election of	5
CLAY COUNTY—	
Member from appears	4
Petitions from citizens of	
Of sundry citizens relative to the jurisdiction of justices of the peace	56
Of John Crosley for a revision of the laws	151
Of John McNamee for attaching certain territory, &c.	211
Of sundry citizens relative to jurisdiction of justices of peace	264
Of Jas. Townsend, Jr. on the subject of the Clay county seminary	264
Of sundry citizens on the mode of doing county business	264
Remonstrance against changing the mode of doing county business	332
Of John Osborn for the vacation of a State road	354
CLINTON COUNTY—	
Members from appear	4
Petitions from	
Of George McKinney for the change of a State road	206
Of sundry citizens for the vacation of Grand View	264
Of David C. Clark for a State road	363
Of sundry citizens relative to money expended in making a bridge over Wild Cat	379
COMMITTEES, Standing, appointed	43
Number of copies to be printed	44
CRAWFORD COUNTY—	
Member from appears	4
Petitions from citizens of	
From the Levenworth rail road company	227

D

DAVISS COUNTY—	
Member from appears	4
Petitions from citizens of	
Of I. Walker and others for a State road	41

Of Cary O'Neil for a State road	74
Of I- G. Brown to change the turnpike	105
Remonstrances against change of New Albany turnpike	212
Of the trustees of the Methodist church	220
Of Wm. Ward for an additional justice of peace	221
Of sundry citizens for a State road	524

DEARBORN COUNTY—

Members from appear	3
Petitions from citizens of	
Of sundry citizens relative to a State road	39
Of sundry citizens for the review of a State	91
Of Wilson North for a review of a State road	116
Of A. C. Campbell and others for a change of State road	148
Of John D. Moore relative to a McAdamized road	154
Of Benjamin Carlisle to change a State road	267
Of M. Stewart relative to the road law	545
Of sundry citizens on the subject of the Bank	545
Of L. A. Donahue on the same subject	651

DECATUR COUNTY—

Members from appear	4
Petition from citizens of	
Of John Rhorer for a change in a State road	44
Of Joseph W. Graham relative to Presbyterian church	45
Of Peter Gray for the change of a State road	62
Of the board doing county business	73
Of Saml. Donnell on the subject of the Presbyterian church	276

DELAWARE COUNTY—

Member from appears	106
Petitions from citizens of	
Of Lewis Moore for a change in the township law	138
Of John McLaughlin for a State road	213
Of sundry citizens for the alteration of a State road	247

DUBOIS COUNTY—

Member from appears	4
Petition from citizens of	
Of Simon S. Monk relative to a State road	56
Of Moses Kelso for the sale of certain lands	106

E

ELECTIONS—

Of Speaker	5
Of Clerks	6
Of Door Keeper	6
Of Sergeant-at-arms	7
Of President Judge of 1st Circuit	59
Of do do 2d do	59
Of do do 3d do	59
Of Prosecuting Attorney of 1st circuit	60
Of do do 2d do	60

Of Treasurer of State	67
Of Auditor of Public Accounts	67
Of Public Printer	219
Of Bank Director	223
Of Messrs. Clendening, Lewis and Graham members of the Board of Public Works	361
Election of Prosecuting Attorney in 7th circuit	721
ELKHART COUNTY—	
Member from appears	4
Petition from citizens of	
Relative to a State road	11
Of sundry citizens for the relief of Henry Matthews	62
Of Henry Beane for an appropriation of 3 per cent. fund, &c.	171
Of John F. Smith for a State road	321

F

FAYETTE COUNTY—	
Member from appears	3
Petitions from citizens of	
Of Joseph Nelson to dissolve the charter of Connersville	105
Of R. S. Brown remonstrating against dissolution of town charter	138
Of Thomas Styles for a State road	
For a State road from Dublin to Harrisburgh	167
Of Caleb B. Smith to change a State road	651
FLOYD COUNTY—	
Members from appear	4
FOUNTAIN COUNTY--	
Members from appear	3
Petitions from citizens of	
Of Alfred Hadley for a State road	106
Of Nelson Smith for a State road	138
Of W. B. White for the relief of Thomas Patten	138
Of Calvin M. Chaney to change his name	155
Of William Elliot remonstrating against the change of a road	695

FRANKLIN COUNTY—	
Member from appears	4
Petitions from citizens of	
Of C. F. Clarkson relative to a State road	44
Of William Wallace for a State road	62
Of Abner McCarty on the subject of certain school lands	171
Of William Hutchison to change the name of a town	212
FULTON COUNTY	
Petitions from citizens of	
Of James Robertson for a State road	700

G

GIBSON COUNTY—	
Member from appears	4
Petitions from citizens of	

Of Robert Erwin for a State road	99
Of Thomas Smith relative to the county lying between Gibson and Warrick counties	124
Two petitions relative to the Patoka bridge	323
Of Aaron Lefrange on same subject	651

GOVERNOR—

Message of	12
David Wallace declared elected	28
David Hillis Lieutenant Governor	29
Gov. Wallace sworn into office	30
Inaugural address	30

GREENE COUNTY—

Member from appears	4
Petitions from citizens of	
Of Josiah Owen for a State road	283

H**HAMILTON COUNTY—**

Member from appears	4
Petition from citizens of	
Of A. Hocker for a State road	73

HANCOCK COUNTY—

Member from appears	4
Petition from citizens of	
Of William Galbreath relative to a State road	151
Of William Thompson to be attached to 6th circuit	151
Remonstrance of sundry citizens on same subject	151
Of John Parkhurst for a State road	194
Of Thomas L. Fuqua for a State road	194
Of William Martindale praying ministers to be exempt from working on the roads	205

Of James P. Foley on the subject of a road	231
Of sundry citizens for a State road	264
Of B. G. Jay for a bridge over Buck creek	363

HANOVER College report from

544

HARRISON COUNTY—

Members from appear	3
Petition from citizens of	
Of Hays McCallen to change the name of Carthage	138
Of Thomas Rodgers for the incorporation of a company	151

HENDRICKS COUNTY—

Members from appear	4
Petitions from citizens of	
Of John Peak for a State road	69
Of Wm. Tomlinson for an additional justice of the peace in New Williamsburgh	194
Of sundry citizens to repeal township law	379
Of Geo. Moore for a State road	545

HENRY COUNTY—

Member from appears	3
---------------------	---

Petitions from citizens of	
Of John Hart to change the name of Middletown	81
Of E. K. Hart for the incorporation of a company	130
Of sundry citizens relative to the connexion between the Central and White Water canal	183
Of sundry citizens for the incorporation of Greensborough	276
Remonstrance against incorporating Greensborough	282
Of R. M. Cooper to incorporate Raysville	516
Of sundry citizens for a State road	545
HUNTINGTON COUNTY—	
Member from appears	5

I

INDIANA COLLEGE—	
Reports from trustees, &c.	231

J

JAY COUNTY—	
Petitions from citizens of	
Of Eli Rigdon for a new county	172
Remonstrance of Adam Miller on same subject	172
Remonstrance of sundry citizens on same subject	205
Of Wm. Birch and others on same subject	213
JASPER COUNTY—	
Petitions from citizens of	
Of John Smith for the organization of said county	137
Of Thos. O'Neal against attaching Jasper county to Warren	332
Of Nathan Roons for the formation of a new county	332
JACKSON COUNTY—	
Member from appears	4
Petitions from citizens of	
Of J. A. Weddell for a State road	81
JEFFERSON COUNTY—	
Members from appear	4
Petitions from citizens of	
John McCoy for a State road	116
Of Amos Butler for relief	127
Of sundry citizens for a State road	231
JENNINGS COUNTY—	
Member from appears	4
Petitions from citizens of	
Of Geo. W. Branham for a change in corporation of Vernon	173
The remonstrance of Saml. Glasgow against change in State road	270
JOHNSON COUNTY—	
Member from appears	4
Petitions from citizens of	
Of Robert Lyon for a State road	164
Of H. M. Thompson for the re-location of a State road	356

K

KNOX COUNTY—

Member from appear	4
Petitions from	
From the citizens of the borough of Vincennes	227

KOSCIUSKO COUNTY--

Member from appears	5
Petition from citizens of	
Of Charles Sleeper for a State road	205
Of Isaac Summey for a State road	205
Of James Knowles for a State road	302
Of Newton Nye for relief	336
Of John R. Blair to charter the Warsaw Manufacturing company	336
Of Joseph Rippey for a State road	336
Of Jacob Baker for a State road	378
Of John L. Blair for a State road	531
Of John Willis against a division of the county	651

L

LAGRANGE COUNTY—

Petitions from citizens of	
Of sundry citizens for an act of incorporation	302
Of sundry citizens of Lima on the subject of counterfeit money	502

LAKE COUNTY—

Petition from citizens of	
Of Luman A. Fowler for relief	82

LAPORTE COUNTY—

Member from appears	4
Petition from citizens of	
Of John Rhinehart for draining the lake at Laporte	91
Of Wm. C. Hanna for a State road	354

LAWRENCE COUNTY—

Members from appears	4
Petitions from citizens of	
Of James Montgomery against the vacation of a road	121
Of sundry citizens for a state road	650
Memorial from Branch of State Bank, Bedford	695

M

MADISON COUNTY—

Member from appears	4
Petitions from citizens of	
For the relief of Campbell Dale	227
Of J. R. Tharp for a state road	531

MARION COUNTY—

Petitions from citizens of	
Of Eliza Martin for a divorce	45
Of Caleb Railsback for a bridge over Eagle creek	151

Of Aaron Gallifer for an appropriation of 3 per cent. fund	173
Of Josephus Cicero Worrell on the subject of education	194
Of John Matthews for relief	206
Of Isaac Kensay for a state road	221
Remonstrance of George Lockerbie against a change in the corporation, &c.	267
Of David Small on the subject of a school district	276
Of the Marion Guards	336
Of H. B. Evans for a state road, &c.	354
Of sundry citizens for a change in the Madison road	354
Two remonstrances against a change in the Madison road	516
MARSHALL COUNTY—	
Petitions from citizens of	
Of sundry citizens for a state road	515
Remonstrance of Isaac Higbee and Peter Orgers on same subject	515
MARTIN COUNTY—	
Petitions from citizens of	
Of sundry citizens for a state road	320
MESSAGE OF THE GOVERNOR—	
	12
MIAMI COUNTY—	
Member from appears	5
Petitions from citizens of	
Of Meshack Tucker for a state road	56
Of Samuel L. Black for a state road	56
Of Levi Clymer for a state road	172
Of Elijah Barnes for a state road	173
Of Alfred Kizer on the subject of unsold canal lands	173
Of Wm. Polk late commissioner of the Michigan road	212
Remonstrance of Jas. B. Fulwiler against change in county lines	559
MICHIGAN ROAD—	
Report of William Polke, commissioner	146
Report of Engineer	161 162
MONROE COUNTY—	
Member from appears	4
Petition from citizens of	
Of Thomas Lucus for an appropriation of three per cent. fund	82
Of William Alexander relative to revision of the laws	164
Of C. Demiree on the subject of the reserved lands	205
Of James Sutfin for relief	241
Of Samuel Glasgow on the subject of a state road	276
MORGAN COUNTY—	
Member from appears	4
Petitions from citizens of	
Of Jonathan Carr for the incorporation of a county seminary	56
Of sundry citizens for the incorporation of Martinsville	84
Of sundry citizens for a state road	194
Of sundry citizens relative to jurisdiction of justices of the peace	204
Of sundry citizens for a state road	247

MONTGOMERY COUNTY—

Members from appear	4
Petitions from citizens of	
Relative to a state road	11
Of David Clark for a change in the school law	130
Of Robert McSecrest for an additional justice of the peace	286
Of Wm. W. Ennis for an additional justice of the peace	295
Of Benjamin Cox for a state road	220
Of John Steele to change a state road	515
Of R. W. Nossing relative to a state road	515

N

NOBLE COUNTY—

Petitions from citizens of	
Of Simeon Tuttle for a state road	56
Of John Crouch for a state road	205
Of William Taylor for a state road	206
Of Ira B. White for a state road	242
Of James Hamilton for a state road	276
Of Elisha Wadsworth for a state road	295
Of W. T. Engle for a state road	295
Of Asa Brown for relief	302
Of Ward Bradford for the incorporation of a company	302

O

ORANGE COUNTY—

Member from appears	4
Petitions from citizens of	
Of Joseph Meeks relative to a state road	38
Of C. McDonald for the relocation of a state road	44
Of Z. Tate relative to a state road	
Of J. A. Simpson for the change of a state road	212
Of sundry citizens for the appointment, &c. member board of public works	221
Of sundry citizens for a state road	227
Of Jacob Elrod to make Orleans a point, &c.	266
Of John Henderson to legalize the acts of Wm. Lindley	531

OWEN COUNTY—

Member from appears	4
Petition from citizens of	
Of sundry citizens relative to Spencer point, &c.	99
Of Andrew Arney for the appointment of a commissioner on a state road	220
Of sundry citizens to change the name of Middletown	320
Of sundry citizens remonstrating against the change in a state road	531

P

PARK COUNTY—

Members from appears	3
Petition from citizens of	
308	

Of Durbin Gaw for relief	62
PERRY COUNTY—	
Member from appears	4
Petitions from citizens of	
Of John Daniel and Wm. Marshall relative to a state road	38
Of William Marshall to prevent obstructions in Anderson river	116
Of James Foster for a state road	
PETITIONS (see under head of counties respectively.)	
PIKE COUNTY—	
Member from appears	5
Petition from citizens of	
Of sundry citizens relative to granting license	138
Of sundry citizens	524
POSEY COUNTY—	
Member from appears	4
Petition from citizens of	
Of Joseph Cruse relative to Posey county seminary	91
Of Ezekiel Dukes for a state road	137
To declare Big Creek a public highway	355
Of sundry citizens to repeal township law, &c.	379
PORTER COUNTY—	
Member from appears	5
Petitions from citizens of	
Of Michael O'Harra for a bridge over the Grand Calmut	171
Of the Liverpool Bridge Company	183
Of sundry citizens to declare Deep river a public highway	220
Of Thomas D. Field for a bridge	332
Remonstrance on same subject	332
Of Henry M. Wilson to change a state road	515
Of John Herron on the subject of the mode of doing county business	515
PRINTERS PUBLIC—	
Election of	219
PROSECUTING ATTORNIES—(See Attornies Prosecuting.)	
PROTESTS—	
Of Alex. E. Glenn	645
Of E. M. Chamberlin and others	757
Of John Bryce	760
PUTNAM COUNTY—	
Members from appear	4
Petition from citizens of	
Of John Cartmell for the sale of school land	295
Of Henry B. Puckett relative to militia fines	263
Of Joseph M. Hillis for a change in the law relative to assessors	559

R

RANDOLPH COUNTY—	
Members from appear	27
Petitions from citizens of	
Of Hiram Mendenhall for a state road	172

Of sundry citizens on the subject of a state road	275
Of sundry citizens on the subject of trial by jury	276
Of Andrew Aker for a state road	351
REPORTS—	
State Librarian report from	55
Secretary of State report from	55
Communication from	61
Communication from relative to compact, &c.	71
Treasurer of State, report from	42
Communication from	99
Relative to surplus revenue	124
Relative to state house	161
Relative to college fund	204
Relative to sale of lands in Indiana	220
Auditor of Public Accounts, report from (annual)	55
In answer to a resolution of the House	213
In answer to a resolution relative to the Indianapolis fund	672
Commissioners of Wabash river report of	55
Canal Fund Commissioners report from	73
Report from	105
Report from	673
Report from relative to a division of duties, expenses, &c.	740
Engineers reports from on the Crawfordsville road	129
Board of Public Works communication from	71
Second annual report	104
Report from	129
Report from relative to lettings on Jeffersonville and Crawfordville turnpike	150
Report from relative to Michigan road	161
Communication from relative Jeffersonville road	166
Relative to Northern Canal	219
In answer to a resolution of the House	239
Relative to water power	273
In answer to a resolution of the House	352
State Geologist report from	71
Standing committees—	
Elections—report from committee of elections of members	194
Judiciary—relative to alien heirs, &c.	74
“ to a uniform mode of doing county business	74
“ to the forfeiture of the charter of the State Bank	173
“ to imprisonment for debt	206
Education—report from relative to surplus revenue	100
Relative to amendments to school law	100
Military Affairs—report from to organize the militia system	242
Affairs of the town of Indianapolis—relative to sale of lots	209
Sinking Fund Commissioners—report from	55
Communication from	150
Communication from containing list of borrowers	154

On Canal Fund—report relative to acts of fund commissioners	339
Select Committees—	
From committee to investigate State Bank containing communication from Indianapolis Branch Bank	200
Report from different branches	from 389 to 510
Ways and Means—report from relative to license to vend merchandise	101
Relative to franking privilege	101
Report relative to finances of the State	561
RHODE ISLAND—	
Communication from Governor relative to the admission of Texas	218

RESOLUTIONS.

	By whom introduced	Other proceedings on
Informing the Senate of the organization of the House	Mr. Vandever	7
To request Rev. Mr. Britton to open the House with prayer	Dowling	7
For the appointment of a committee to wait on the Governor	Hubbard	8
Requiring the printer to print rules of the House	Shook	8
Admitting the reporters to a seat within the bar	Dowling	8
Furnishing newspapers to members	Vandever	8
Inviting Hon. John McLean to a seat within the bar	Milroy	10
Adopting the rules	Miller	10
For the election of a Judge and Prosecuting Attorney 1st circuit	Lane	11
To invite the Senate to hear Governor's Message	Hubbard	12
Relative to printing the Governor's Message	Vandever	26
Relative to use of lobby in rear of Speaker's chair	Berry	27
For the formation of a new circuit	Cunningham	27
For opening and publishing votes for Governor and Lieutenant Governor	Stapp	27
Inviting Hon. W. Hendricks and Hon. J. L. Holman to a seat in the bar	Milroy	27
A committee to wait on Governor and Lt. Governor	Stapp	29
Inviting Gov. Ray to a seat within the bar	Milroy	29
To invite the Senate to the Hall to hear the Inaugural address of the Governor	Vandever	30

Relative to printing Journal	Morrison	45
Requiring the Treasurer of State to report relative to 3 per cent. fund, &c.	Judah	45
Relative to increasing the capital stock of State Bank	Jones	46
To extend the width of the Lafayette and Indianapolis State road	Hocker	46
For providing each supervisor with a copy of the road law	Shook	46
For furnishing members with laws and journals	Osborn	47
Requiring the Secretary of State to lay before the House a copy of the compact with Ohio relative to Wabash canal	Milroy	47
To increase the fine for failure to work on roads	Chamberlain	47
Relative to introducing the civil law	Owen	47
Inviting Hon. Jonathan McCarty, Amos Lane and John W. Davis to seats within the bar	Bennett	48
Requiring the judiciary committee to report whether, in their opinion, the Bank has forfeited her charter, &c.	Vandever	48
Relative to an amendment in the joint rules	Milroy	48
Relative to stayers of executions	Haddon	48
Relative to duty of supervisors, &c.	Carleton	48
Requiring printers to furnish papers enveloped	Stapp	48
For a uniform mode of working roads, &c.	Graham	49
For the issue of treasury notes	Miller	49
Relative to Jeffersonville & New Albany canal co.	Ferguson	50
For an appropriation on Michigan road	Hocker	50
To require bridges to be built on canals	Glenn	50
To establish a uniform mode of doing county business	Howell	50
To inquire into the manner the State Bank has transacted business, &c.	Bryce	51
For taking list of taxable polls in each township	Chamberlain	51
Requiring security for costs before justices of peace	Champer	51
Relative to mills, &c. erected on canals	Carleton	51
To require the Board of Public Works to confine their operations to one work	Hocker	52
Relative to materials for construction of public works	Morrison	52
To repeal the law relative to merchants license	Hubbard	52
Relative to estates of decedents	Peaslee	52
To require citizens to meet collector	Ristine	53
To amend an act concerning vagrants	Smydth of C.	53
To divide the State into probate circuits	Williams of L.	53
To amend the school law	Berry	53
Relative to the rules of the House	Milroy	54
To establish a more efficient military system	Williams of R.	54
To authorize the appointment of supervisors	Hanna	57
Relative to the location of the Madison and Crawfordsville rail road	Hocker	57

Requiring sinking fund commissioners to furnish list of borrowers	Ferguson	58
Instructing bank investigating committee, &c.	Chamberlain	58
To authorize probate courts to assign counsel	Cotton of S.	58
To amend crime and punishment law	Milroy	58
To refer credentials of members to committee on elections	Haymond	58
Relative to justice act	Chamberlain	58
Relative to letting of contracts on public works	Smith of W.	58
To abolish imprisonment for debt	Glenn	59
To go into the election of Treasurer of State and Auditor of Public Accounts	Vandever	61
To amend revenue law	Crume	63
To rescind certain rules of House	Owen	63
To amend the mode of making journal	Hanna	63
Relative to frauds and perjuries	Bryce	63
Relative to mode of constructing public works	Henley	63
For the editor of Indiana Farmer to furnish papers	Judah	64
Relative to pay of engineers, &c.	Milroy	64
Relative to debtors for canal lands	Eldridge	64
To transfer duties of probate court to circuit court	Howell	65
For a uniform mode of doing county and township business	Champer	65
Relative to the time to be occupied in offering resolutions	Lee	65
Relative to printing documents	Ferguson	65
Requiring plaintiffs to give security for costs	Burns	66
Requiring fund commissioners to report, &c.	Milroy	66
Inviting Senate to go into election of Treasurer and Auditor	Graham	66
To set aside 12 $\frac{1}{2}$ on each \$100 of stock in incorporated companies for the use of State Library	Owen	67
To authorize change of venue in criminal cases	Noel	67
To change time of holding courts in 5th circuit	Walpole	68
Relative to republishing statutes, &c.	Jones	68
Requiring Board of Internal Improvement, &c. to report, &c.	Peaslee	68
Requiring Secretary of State to index Journal	Bennett	68
Relative to amendment to system of internal improvements	Reeve	69
To provide for revising the laws	Bryce	70
Directing the expenditures on the public works	Williams of W.	70
Relative to Indiana College	Berry	76
Relative to the militia of Indiana	Chamberlain	76
Relative to an election for Prosecuting Attorney in 7th circuit	Hamilton	76
To repeal act relative to militia fines	Lane	76
Relative to an advance of the fourth instalment of the surplus revenue by State Banks	Thompson of A.	77

To authorize county Treasurer to hold school commissioners fund	Burns	77
Relative to a military bill	Milroy	77
To create a sinking fund	Proffit	77
Relative to stay of executions	McClure	77
From committee of the whole on Governor's Message		78
To authorize engineers. &c. to purchase property on the public works	Vandever	80
To change the time of holding courts in 1st circuit	Huff	82
Requiring board to lay before the House the report of John S. Williams	Cotton of S.	82
To establish an asylum for the deaf and dumb	Glenn	83
Requiring report from State Bank, &c.	Ferguson	83
To amend probate law	Shook	83
To amend school law	Wilson	83
To amend law relative to execution	Carleton	83
To adopt a more efficient military system	Noel	83
To amend school law	Smith of W.	84
To authorize books of merchants to be made evidence	Henricks	84
To amend law relative to recording mortgages	Lane	84
To change the mode of commissioning j. p.	Howell	84
Relative to divorces	Arnold	84
To amend law regulating descents, &c.	Walpole	84
To allow writs of error from justices of peace	Burns	84
Requiring report from agent of State	Morrison	84
To compel guardians to make annual reports	Chamberlain	85
To grant Floyd county an additional term	Whitman	85
Requiring report of number of engineers and assistants	Noel	85
Relative to water privileges on canals	Milroy	85
Relative to lettings on Crawfordsville and Jeffersonville rail road	Champer	85
To change the mode of assessing real estate	Thompson of A.	85
To repeal law relative to disasters on steamboats	Whitman	86
To change the times of holding courts in 2nd circuit	Vandever	86
To compensate damages for taking timber for public works, &c.	Watson	92
Relating to practice at law in chancery	Hurst	92
To amend school law	Burns	93
To repeal law allowing witnesses to claim fees during term time	Whitman	93
Relative to State Bank	Chamberlain	93
To amend school law	Shook	93
To amend school law	Cotton of S.	93
Tendering use of the hall to D. D. Owen	Dowling	93
To amend the execution law	Bryce	93
To amend the rules of the House	Dowling	94

To amend school law	Williams of L.	94
To amend road law	Carleton	94
To amend crime and punishment law	Whitman	94
To define the mode of constructing public works	Reeve	94
Relative to the State Bank suspending specie payments	Peaslee	97
To amend revenue law, &c.	Peaslee	97
Relative to union among the friends of Internal Improvement	Whitman	98
To appoint a secretary to judiciary committee	Hurst	103
To amend the school law		103
To amend surplus revenue law		103
To increase constables' fees	Osborn	103
Relative to State Bank	Milroy	104
To explain the school law	Williams of L.	104
Directing public printer relative to certain printing	Chamberlain	104
To amend road law	Barns	105
To amend road law	Wines of W.	106
To provide for the collection of tolls on Wabash Canal	Perine	106
Relative to county surveyors	Noble	106
To amend law so as to make witnesses pay costs	Glenn	106
Relative to revising road law	Shook	107
To amend the road law	Whitman	107
To enquire into and legalize acts of Bank in suspending specie payments	Helmer	107
Relative to fees of clerks in certain cases	Whitman	107
To amend execution law	Graham	107
To increase the per diem allowance of associate judges	Hood	107
Relative to revising astray law	Osborn	108
Relative to acts of justices of the peace	Hawkins	108
Requiring supreme judges to lay before the House a report relative to the revision	Chamberlain	108
Relative to taking and killing wolves	Hanna	108
Relative to practice at law, &c.	Jones	108
To reduce the interest on the surplus revenue loans	Noel	109
To authorize feme coverts under age to convey real estate	Macy	109
Requiring report from Sinking fund commissioners	Jones	117
To amend the law to prohibit the circulation of bank notes less than five dollars	Milroy	117
Relative to a memorial on the subject of the National Road	Morrison	117
Relative to the fund commissioner	Proffitt	118
Requiring J. B. Johnson to report relative to pool dam	Milroy	118
To repeal the law relative to the appointment of a pound keeper in astray law	Thompson of A.	118

Relative to State Bank	Hurst	118
Relative to the agent of the State Bank	Chamberlain	129
Relative to the duties, &c. of fund commissioners	Jones	132
Relative to transcripts from justices of the peace	Bryce	133
To amend road law	Richey	133
To amend militia law	Ristine	133
Changing the time of Treas. to settle with Com'r.	Stapp	134
Relative to duty of Board of Public Works	Cotton of S.	134
To amend the road law	Porter	134
To commence the revision of the laws	Gregory	136
To provide for more certain payment of hands who labor on the public works	Proffitt	141
To provide for the appropriation of the funds set apart by the bank charter for education	Murphey	141
To require board, &c. to report No. of engineers	Arnold	141
Relative to courts in first circuit	Bryce	141
To rescind a certain resolution	Stapp	142
Relative to a call on the president of State Bank	Chamberlain	146
To appoint a committee to investigate State Bank	Judah	147
Tendering use of hall to Colonization Society	Hamel	147
To examine archives of the State	Thompson of A.	147
To authorize an additional justice of the peace in Brown township, Montgomery county	Lane	155
Relative to terms of court in 4th circuit	Jones	155
To amend law relative to jurisdiction of j. p.	Robbins	155
To amend the surplus revenue law	Smydth of C.	156
To change the mode of electing constables	Blair	156
In relation to New Albany and Jeffersonville road	Whitman	156
To reorganize the judicial circuits	Peaslee	157
To fix the the time of holding courts in 2d circuit	Vandever	157
Relative to school law	Matlock	158
To amend astray law	Noel	158
Relative to Jeffersonville and Crawfordsville road	Champer	158
To amend the justice act	Watson	158
Relative to 5 and 6th sections of justice act	Osborn	158
Relative to printing documentary journal	Wilson	159
Relative to printing a report	Morrison	161
To authorize the investigat. com. to employ a clerk	Proffitt	161
Relative to the employment of clerks by committee of revision	Vandever	166
To authorize the Sergeant-at-Arms to employ assistants to serve process	Judah	166
To require board, &c. to report cost of each work of Internal Improvement	Henley	166
To transfer seminary fund to school commissioner	Burns	179
To allow probate judges to take acknowledgements of deeds	Haddon	180
To appropriate the Gov. Circle for a female sem.	Morrison	180
To amend the surplus revenue law	Miller	180
Calling on the Treasurer of State for a report	Jones	180
To enlarge the prison bounds	Williams of L.	180

To amend road law	Boon	181
To erect fire proof offices at Indianapolis	Hanna	181
To authorize com. on revision to employ clerks	Judah	186
For the election of a public printer	Glenn	186
For the improvement of Big Vermillion	Burns	186
For the purchase of Sullivan's map	Perine	186
Relative to trespasses by canal contractors	Milroy	186
To amend surplus revenue law	Smith of W.	187
To make Jeff. and Crawfordsville road a rail way	Whitman	187
To prevent waste of timber in construction of public works	Milroy	187
Relative to levying a tax	Brown	187
To amend school law	Zenor	188
To restrict ins. companies and savings institutions	Judah	206
To elect members of the board of Int. Improv.	Thompson of A.	212
To suspend operations on Cross-cut canal	Cotton of S.	260
Relative the fund commissioners, &c.	Milroy	260
Requiring the Board, &c. to report	Cotton of S.	260
Relative to duties of Sinking Fund Commissioners	Shook	260
Relative to sale of canal lands	Hood	261
Relative to an allowance to Andrew Wilson	Vandever	261
Calling on Auditor for a report	Thompson of A.	261
Relative to leases of water power	Howell	261
To increase capital stock of State Bank	Watson	261
To amend the school law	Burns	262
Relative to minerals, fossils, &c.	Whitman	262
Relative to Law. and Indianapolis rail road	Glenn	262
Calling on Secretary of State for a report	Ferguson	264
Calling on the Board of Public Works for a report	Smydth of C.	282
To proceed to the orders of the day at 2 o'clock	Crume	294
To change the rules of the House	Jones	309
Calling Board, &c. for cost of Madison rail road	Stapp	320
Calling on Board, &c. for report relative to water power	Crume	330
To change the rules of the House	Walpole	360
To limit the number of fund commissioners	Cotton of S.	360
To allow the Judges of the Supreme Court compensation for arranging the laws, &c.	Proflitt	528
Relative to tow path on Eel river, &c.	Smydth of C.	558
Calling on Fund Commissioners for report of all expenditures during last year	Garrigus	558
To amend the rules	Burns	558
Calling on Auditor for report relative to state prison	Crume	576
Requiring Board, &c. to report the amount paid Messrs. Welch & Forrer for examination, &c.	Whitman	577
For the relief of John Bell	Reeve	586
Requesting Auditor to report condition of the Indianapolis fund	Crume	587
To reduce the expenses on the public works	Williams of W.	591

To authorize clerks to employ assistance	Howel	620
To investigate the evidence of J. B. E. Reid	Proffitt	664
Thanks to the Speaker	Lane	734
Offering the use of the hall for the celebration of the 22d February	Dowling	746
Requiring Treas. of State to repair State House, &c.	Jones	746
Relative to Mr. Chamberlain's protest	Lane	757
Requiring the report of Fund Commissioners to be printed and sent to the members	Bennett	767

JOINT RESOLUTIONS.

	Introduced by	Passed H.	Passed Sen.	Approved.
Relative to the annexation of Texas	Mr. Hubbard	48		
Relative to Wabash and Erie Canal	Thompson of A	68	68	72
Relative to postage, &c.	Smydth of C.	68		
On the subject of preemption rights	Hood	98		
On the subject of the franking privilege	Pabody	100	159	178
Relative to the connection between White Water and Central Canal	Murphey	100		
Relative to a connection between White Water and Canal	Williams of R.	167		
Relative to a western armory	Arnold	181	362	544
Relative to taxing the public lands	Milroy	188	329	737
Relative to the southern portion of the White Water Central Canal	Noble	247		
Relative to the National Road in Indiana	Morrison	260	274	309
Relative to refuse lands on the Wab. riv.	Brown	263	520	532
Relative to a donation of public lands to aid in the Northern canal	Chamberlain	353	353	532
Relative to the number of revised laws to be printed	Bryce	364	385	
Relative to the purchase of maps	Graham	524	687	
Relative to the construction of law of 1838	Glenn	524		
In relation to the road between Jefferson- sonville and New Albany	Hurst	554	696	
For the relief of Burwell R. Still	Huston	557	581	722
For the benefit of the collector of Foun- tain county	Carleton	558	585	722
Relative to binding revised laws, &c.	Walpole	585		
To complete the survey of the White Wa- ter canal	Smith of W.	586		
Relative to the public works	Proffitt	586		
Relative to the election of public officers by the General Assembly	Glenn	654		

Relative to the revision of the laws	Haymond	703	703
Relative to injuries sustained by contractors on Wabash Canal	Watson	711	711
Relative to fund commissioners, &c.	Smith of W.	734	734

From the Senate.

	Reported from S.	Passed House.	Approved.
A joint memorial for certain harbors, &c.	72	72	156
Relative to public lands in Indiana	255	327	542
For the benefit of the collec. of Clark co.	298	580	694
A joint resolution of the Gen. Assembly	510	693	789
For the benefit of the collec. of Scott co.	511	687	
On the subject of the State Bank			

RIPLEY COUNTY—

Members from appear	4
Petitions from citizens of	
Of sundry citizens for a state road	302
RULES adopted	10

RUSH COUNTY—

Member from appears	3
Petitions from citizens of	
Of Levi Hatfield for a state road	62
Of sundry citizens of Rush county for the divorce of John Duvall	62
Of sundry citizens for the formation of a new county	194
Of Cornelius Morrison for a state road	332
Of John Jack to change the name of Vienna	354
Remonstrance of John Wood against a State road	516
Of Ledgerwood Patterson for a state road	545

S

SCOTT COUNTY—

Member from appears	4
Petitions from citizens of	
Of Wm Truelock for relief of heirs of Michael C. Snider	39
Of Wm. Truelock taken from the table and referred to judiciary committee	44
Of Israel Rude relative to a State road	116
Of sundry citizens for classification, &c.	116

SHELBY COUNTY—

Member from appears	3
Petitions from citizens of	
Of John Bennett for relief	73
Of W. W. Scott to change the character of the Madison road	516
SPEAKER, Thos. J. Evans, elected	5
Valedictory address	812

SPENCER COUNTY—

Members from appear	5
Petitions from citizens of	
Obadiah Baird and others for the sale of certain school lands	91
Of James Jones for a State road	116
Of Thos. P. Britton to incorporate Rockport	152
Of C. C. Beckwith to allow certain privileges to John Meckes	321
Of F. Conner for a bridge	321
Of John Proctor for a State road	363

ST. JOSEPH COUNTY—

Member from appears	5
Petitions from citizens of	
Of Thomas S. Stanfield for a state road	152
Of Alonzo Delano to change the name of a town	154
Of Thomas Vail for the vacation of a State road	164
Of Horace Combs for a state road,	524
Of sundry citizens of Mishawaka	524

Of A. Delany to change the name of a town	651
SULLIVAN COUNTY—	
Member from appears	4
Petition from citizens of	
Of James Medley for relief	172
Of Joseph Mann to improve navigation of Turman's creek	246
Of David B. Hancock for a change in a State road	295
Remonstrance of Wm. Curry &c. against the change of a road	354
Of Fletcher Selvers on the subject of a State road	650

SWITZERLAND COUNTY—

Member from appears	4
Petitions from citizens of	
Of sundry citizens praying a classification of public works	45
Of R. B. Cotton for relief	138

T

TIPPECANOE COUNTY—

Member from appears	4
Petitions from citizens of	
Of Harper Hunt for the vacation of part of Lafayette	38
Of James Nowland for a State road	57
Of Frederic C. Webb for a State road	62
Of sundry citizens for a State road	151
Of sundry citizens for a change of the Crawfordsville road, &c.	171
Of sundry citizens for a new county	282
Of sundry citizens for a state road	332
Of Paris Mendenhall for a change in a State road	332
Of R. Blacklidge on the subject of the school law	650

U

UNION COUNTY—

Member from appears	4
Petitions from citizens of	
To confine voters to their respective townships	206
Relative to the militia system	213

V

VANDERBURGH COUNTY—

Member from appears	4
Petitions from citizens of	
Of the Board of Commissioners for a State road	152
Of sundry citizens on the subject of the county	302

VERMILLION COUNTY—

Member from appears	4
Petitions from citizens of	
Of Benj. Fisher for a State road	227
Of A. Don Carlos for an additional justice of the peace	283
Of Dalzell, Clark & Co.	336

VIGO COUNTY—

Member from appears	4
---------------------	---

Petition from citizens of	
Of Ezra M. Jones for relief	69
Of sundry citizens for a rail road	116
Of Joel H. Kester for a State road	172
Of Robert Hoggate for the location of a State road	172
Of the State Board of Agriculture	295
Of Fielding Carter for State road	515
Of Geo. W. Rector for a State road	651

W

WARREN COUNTY—

Member from appears	4
Petition from citizens of	
Of James Cunningham to alter the charter of the Williamsport Insurance Company	355
Certificate of Auditor relative to account of collector	515

WARRICK COUNTY—

Member from appears	4
Petitions from citizens of	
Of D. Hall relative to the boundary line of Warrick	172
Of M. Gentry on the subject of the disputed territory	264

WASHINGTON COUNTY—

Members from appear	4
Petitions from citizens of	
Of the Washington Academy	56
Of sundry citizens for a state road	164
Of sundry citizens for a state road	275
Of David Colclazure for a change in a State road	524

WHITE COUNTY—

Member from appears	5
Petitions from citizens of	
Of Joshua Lindsey on the subject of water power	276
Of Joshua Lindsey for a State road	354
Of J. D. Yeoman for a State road	516
Of Wm. Donahue for a State road	516

WELLS COUNTY—

Of James Guthrie for a re-location of seat of justice	62
Of John B. Gillespie for the privilege of erecting a mill dam	116
Of sundry citizens on the subject of a mill dam	227

WAYNE COUNTY—

Members from appear	3
Petitions from citizens of	
Of Will R. Merin for a State road	62
Of sundry citizens relative to printing the laws in the German language	69
Of sundry citizens for a State road	116
Of Alex. Jones relative to the incorporation of Milton	151
Of sundry citizens for a McAdamized road	183
Of sundry citizens to incorporate New Boston	206

Of sundry persons for a State road	221
Of sundry citizens on the subject of connexion of Central and White Water canal	241
Of sundry citizens to change the boundary line	241
WABASH COUNTY—	
Member from appears	5
Petitions from citizens of	
Of W. B. Caldwell for a bridge across the Wabash	45
Of H. Hanna for the charter of a hotel company	205
Of sundry citizens praying certain territory to be attached thereto	231
Of sundry citizens for a State road	275
Of sundry citizens praying certain territory to be attached thereto	275
Of sundry citizens for a State road	282
Of John Cornstock for a State road	
Of William Willis for a State road	515

